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Circular Letter No.4919
1 October 2024

To: All IMO Member States

Subject: IMO Member State Audit Scheme – Consolidated Audit Summary Report (CASR)

1 The Secretary-General has the honour to transmit herewith the seventh consolidated audit summary report (CASR) prepared in accordance with paragraph 7.4.3 of the *Procedures for the IMO Member State Audit* (resolution A.1067(28)), containing lessons learned from nine audits, six audits completed in 2022 and three audits completed in 2023.

2 The CASR, which is intended to facilitate the attainment of three of the objectives of the Scheme as contained in paragraphs 5.2.1, 5.2.3 and 5.2.4 of the *Framework for the IMO Member State Audit* (part I of the annex to resolution A.1067(28)), has been developed to reflect the findings and observations issued during audits, as well as corresponding summaries of root causes identified by each audited State and summaries of corrective actions taken or proposed by each State, which provide valuable lessons for Member States. The CASR also contains best practices revealed in audits, in order to share them with Member States, with a view to assisting them to enhance further their implementation and enforcement of the applicable mandatory IMO instruments.

3 In order to enable the Organization to further consider the effectiveness and appropriateness of its legislation and to facilitate the provision of technical assistance to Member States in those areas identified in audits, future CASRs will continue to be issued as circular letters, as and when the reporting from a reasonable number of audits have been completed. A reference to each circular letter issued will be included in the document reporting to the Council and Assembly on progress made in the implementation of the Scheme.

ANNEX

SEVENTH CONSOLIDATED AUDIT SUMMARY REPORT

INTRODUCTION

1 In fulfilling the objectives as stipulated in paragraph 5.2.3 of the *Framework for the IMO Member State Audit* (resolution A.1067(28), annex, part I) and as required by paragraph 7.4.3 of the *Procedures for the IMO Member State Audit* (resolution A.1067(28), annex, part II), this document is the seventh Consolidated Audit Summary Report (CASR) containing lessons learned from six mandatory audits completed in 2022 and three mandatory audits completed in 2023.

2 The report reflects the five categories of General (findings and/or observations relating to strategy, organization and legal system, with the latter dealing mainly with the incorporation of the applicable mandatory IMO instruments into national law), flag State activities, coastal State activities, port State activities and best practices, respectively, from the previously issued nine audit final reports.

3 This report contains the findings and observations identified during the audits, which were conducted using the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) as the audit standard, with each finding and/or observation followed by the summary of root cause identified by the audited State and summary of the corrective action taken or proposed by the State.

4 The outcome from audits provides valuable lessons on the implementation and enforcement of the mandatory IMO instruments covered by the Scheme. They also identify areas where States, in exercising their rights, meeting their obligations, and discharging their responsibilities attendant to the applicable mandatory IMO instruments, have either fallen short in some areas or have encountered some difficulties in doing so. Best practices reflect the strengths, and, in some cases, novel ideas employed by States to effectively meet their obligations and responsibilities.

5 In an effort to disseminate the lessons learned from audits, with a view to assisting Member States to enhance further their implementation and enforcement of mandatory IMO instruments and to inform the associated work of the relevant IMO bodies, future CASRs will continue to be issued as circular letters.

GENERAL

Findings (FD)

6 The State had not taken all necessary measures to give full and complete effect to the mandatory IMO instruments to which it was Party, in accordance with the general provisions of the applicable mandatory IMO instruments (SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 4).

Root cause

- 7 The following factors contributed to this finding:
- .1 the legislative process involved through the direct referencing method has not been identified and made possible to give a complete effect to the mandatory IMO instruments in a timely manner;
 - .2 there was a lack of financial and human resources, including a lack of adequate training, lack of awareness of the IMO conventions; and
 - .3 responsibilities were not adequately assigned to publish Decrees in the official gazette to give full and complete effect to the mandatory IMO instruments.

Corrective action

- 8 The State will implement the following actions:
- .1 establish a dedicated unit within the Administration that will develop and implement a mechanism to follow up all mandatory IMO instruments, and amendments to existing ones and to monitor respective dates of their entry into force to ensure their transposition into national legislation in a timely manner;
 - .2 incorporate all applicable mandatory IMO instruments into national legislation and establish appropriate legislating procedures;
 - .3 develop and implement a legal procedure for the enactment of national laws for various mandatory IMO instruments; and
 - .4 develop and implement a training programme for existing staff and recruit or assign new staff to improve their competence in the monitoring of amendments to existing mandatory IMO instruments and provide sufficient resources for implementation and translation.

This corrective action will be completed by 30 June 2025.

FD

- 9 There was no evidence available in the following areas in respect of enacting national legislation to assist in the implementation and enforcement of the mandatory IMO instruments:
- .1 the promulgation of all amendments to the applicable mandatory IMO instruments, including all international codes made mandatory under these instruments;
 - .2 the ability of the State to promulgate laws, which permit effective jurisdiction;
 - .3 the establishment of a formal system in place for reviewing new amendments adopted by IMO, in order to ensure their timely transposition into national legislation;

- .4 the establishment of a legal basis, with adequate severity, for enforcement of all the mandatory IMO instruments, including associated investigative and penal processes;
- .5 the availability of sufficient legal and technical personnel with maritime expertise for the promulgation of national legislation and for discharging all the responsibilities of the State; and
- .6 review and updating of the existing national legislation.

(SOLAS 1974, article I; MARPOL, article 1; STCW 1978, article I; LL 1966, article 1; COLREG 1972, article I; III Code, paragraph 8).

Root cause

10 There were insufficient technical capacity, inadequate organization and financing for transposition of amendments to national legislation and guidelines and the implementation and enforcement of the mandatory IMO instruments.

Corrective action

11 The State will implement the following actions:

- .1 carry out an assessment of the current legislative framework, develop and implement policies on enacting future amendments to the mandatory IMO instruments into national legislation;
- .2 develop a road map and an action plan for the transposition, implementation and enforcement of appropriate amendments to the mandatory IMO instruments and the establishment of a mechanism aiming at monitoring new amendments adopted by IMO, to ensure continuous compliance;
- .3 create an office, within the nodal Ministry in charge of the implementation of mandatory IMO instruments and their subsequent amendments, in order to keep the national legislation up-to-date;
- .4 establish a system to ensure that texts of newly adopted national legislation are periodically communicated to IMO;
- .5 establish and execute a plan for the recruitment and training of personnel responsible for legal and maritime affairs; and
- .6 provide sufficient resources, including financial, to implement the corrective action plan.

This corrective action will be completed by 30 June 2025.

FD

12 The State had not communicated information to IMO, as required by the applicable mandatory IMO instruments (e.g. information on text of laws, orders, decrees and regulations; details of recognized organizations (ROs), casualty investigation reports, mandatory reports under MARPOL, port reception facilities (PRF), forms of certificates, exemptions, dispensation and independent evaluation under STCW 1978). In addition, there was no mechanism or policy

in place for assigning responsibilities and giving instructions, as appropriate, to ensure the collection of relevant information and the communication of mandatory reports to IMO (SOLAS 1974, article III; STCW 1978, article IV; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; LL 1966, article 26; MARPOL, article 11(1)(a); MARPOL, article 11(1)(c); MARPOL, article 11(1)(d); MARPOL, article 11(1)(b); MARPOL, article 11(1)(e); MARPOL, article 11(1)(f); MARPOL, article 12(2); III Code, paragraph 9).

Root cause

- 13 The following factors contributed to this finding:
- .1 lack of knowledge of mandatory information and reports to be provided to IMO and the scope and degree of notification requirements to the Organization; and
 - .2 the responsibility for submitting mandatory reports to IMO was not clearly defined, assimilated, and distributed amongst the different components of the State in charge of maritime affairs.

Corrective action

- 14 The responsible entity of the State will implement the following actions:
- .1 develop a documented procedure for the submission of mandatory information and reporting to IMO, including division of responsibilities, planning and frequency of communication to IMO, as well as traceability of record keeping through a centralized mechanism of reports to record notification to IMO;
 - .2 define, for this purpose, a written designation procedure of assigning responsibility to personnel; and
 - .3 update relevant modules in GISIS.

This corrective action will be completed by 30 June 2025.

FD

15 The entities of the maritime administration had not established a documented procedure to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records, as appropriate (III Code, paragraph 10).

Root cause

- 16 The following factors contributed to this finding:
- .1 negligence in the keeping of records and ignorance of the archiving rules;
 - .2 lack of a system for identifying, managing and storing records; and
 - .3 lack of qualified personnel in record keeping.

Corrective action

- 17 The maritime administration will implement the following actions:
- .1 establish a documented procedure to identify the records required for the operations of maritime administration, its compliance with international regulations, and define controls necessary for their storage, protection and retention period;
 - .2 training and awareness programmes will be periodically conducted for the personnel to update their knowledge on records keeping processes and procedures;
 - .3 recruit and train personnel for managing records; and
 - .4 provide resources at all levels where activities need to be recorded.

This corrective action will be completed by 30 June 2025.

FD

18 There was no objective evidence to demonstrate that the State had taken steps to continually improve the adequacy of the measures taken to give effect to the applicable mandatory IMO instruments by conducting reviews of their flag, coastal and port State performance. This included the examination and analysis of non-compliances and the implementation and analysis of the agreed corrective actions to eliminate the causes of non-compliances to avoid recurrence (III Code, paragraph 11; III Code, paragraph 13).

Root cause

19 There was no documented procedure in place for the evaluation and improvement of performance and measures which are taken to give effect to the mandatory IMO instruments. Besides, no culture was in place for performance evaluation and continuous improvement.

Corrective action

- 20 The State will implement the following actions:
- .1 a documented procedure will be developed and implemented by the relevant government entities in order to evaluate the effectiveness of the implementation of the applicable mandatory IMO instruments;
 - .2 key performance indicators will be incorporated into the national maritime strategy for performance;
 - .3 joint audits, by the different entities of the State, will be conducted to evaluate the performance of the State in the implementation of the IMO instruments; and
 - .4 educational sensitization programmes for all stakeholders, including shipping companies, will be developed involving all relevant entities of the State to ensure that joint drills, safety, and pollution are carried out. The roles and responsibilities of those entities will be captured in the overall strategy.

This corrective action will be completed by 30 June 2025.

FD

21 There was objective evidence that the State did not meet all the communication of information requirements of the mandatory IMO instruments to which it is a Party (e.g. texts of laws, orders, decrees and regulations etc.). Specifically, some details of delegation of authority to ROs had not been communicated (SOLAS 1974, article III; MARPOL, article 11 (1)(a); LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

22 Lack of awareness of some of the obligations for communication of information to IMO under the mandatory IMO instruments, led to this finding.

Corrective action

23 The following actions will be taken by the maritime administration:

- .1 a provision will be included in the relevant procedures of the quality management system (QMS) of the maritime administration, assigning responsibility to communicate all information to IMO under the mandatory IMO instruments;
- .2 responsible divisions of maritime administration will develop and implement procedures, which will identify and fulfil all the requirements of the mandatory IMO instruments related to the communication of information; and
- .3 furthermore, the coordinating committee for the implementation of mandatory IMO instruments will regularly evaluate fulfilment of all the obligations for the communication of information to IMO.

This corrective action will be completed by 31 March 2026.

FD

24 The State could not demonstrate that periodic evaluation and monitoring had been conducted with an aim to continually improve the effectiveness of the State in giving effect to the mandatory IMO instruments (III Code, paragraph 11).

Root cause

25 There was a delay in establishing a mechanism for periodical evaluation and review of the maritime administration after the use of the III Code in audits entered into force in 2016. Furthermore, the entity that had been organized just before the audit did not have sufficient time to carry out an evaluation and review in all the areas of responsibility for continual improvement.

Corrective action

26 The following actions will be implemented by the maritime administration:

- .1 in order to avoid delay in periodical evaluation and review in the future, as per the provisions of the III Code, the coordinating committee will regularly monitor and review the measures adopted to continually improve the effectiveness of the maritime administration in giving effect to the mandatory IMO instruments; and
- .2 records of such reviews will be maintained.

This corrective action will be completed by 31 March 2026.

FD

27 The State was not in a position to implement and enforce the provisions of new or amended mandatory IMO instruments that entered into force for the State through appropriate national legislation. Furthermore, the maritime administration did not have sufficient personnel with maritime expertise to assist in the promulgation of the necessary laws and to discharge all the responsibilities of the State, including reporting, as required by the mandatory IMO instruments (SOLAS 1974, article I; MARPOL, article 1; LL 1966, article 1; III Code, paragraph 8.1; III Code, paragraph 8.3).

Root cause

28 The following factors contributed to this finding:

- .1 responsibilities were not assigned for monitoring, analysing and incorporating new and amendments to the mandatory IMO Instruments into national legislation;
- .2 the organizational structure of the maritime administration was outdated; and
- .3 an assessment had not been carried out on the human resources required for transposition and enforcement of the mandatory IMO instruments before/after ratification by the State.

Corrective action

29 The maritime administration, together with the relevant entities, will implement the following actions:

- .1 review the existing organizational structure of the maritime administration;
- .2 assign responsibility to the concerned entity to monitor, analyse and incorporate amendments to the mandatory IMO instruments through the respective legislative process and to draft new national legislation;
- .3 in addition, the concerned entity will carry out an analysis of the amendments that have already entered into force in order to identify and harmonize, through national legislation, their status within the State;
- .4 develop and implement a mechanism for tracking new and amendments to the mandatory IMO instruments through a specific procedure, which will include the verification of activities resulting from IMO meetings using the IMODOCS platform in order to keep a detailed record of the date of entry into force of future amendments;
- .5 implement an appropriate qualification and training programme for personnel tasked to carry out the aforementioned responsibilities in order to enhance their skills in drafting national legislation and incorporating the requirements stemming from the mandatory IMO instruments and their amendments to national law; and
- .6 carry out a legislative impact assessment before and after the ratification of the mandatory IMO instruments, with an emphasis on required human resources.

This corrective action will be completed by 31 December 2025.

FD

30 The maritime administration did not fulfil the obligations of communication of information to IMO under the mandatory IMO instruments. In addition, the independent evaluation as required by regulation I/8 of STCW 1978 was not carried out and submitted to IMO (SOLAS 1974, article III; STCW 1978, article IV; STCW 1978, regulation I/7; STCW 1978, regulation I/8.3; LL 1966, article 26; TONNAGE 1969, article 15; COLREG 1972, article I; III Code, paragraph 9).

Root cause

31 The following factors contributed to this finding:

- .1 lack of awareness and understanding of the mandatory information required to be communicated to IMO, and/or interested parties, under the mandatory IMO instruments;
- .2 lack of procedures and coordination between various entities of the maritime administration responsible for communicating information to IMO; and
- .3 lack of personnel to organize, carry out and communicate periodic independent evaluations in accordance with the provisions of STCW 1978.

Corrective action

32 The maritime administration will carry out the following actions:

- .1 develop and implement a mechanism, based on a documented procedure, which will identify:
 - .1 the requirements of the mandatory IMO instruments related to the communication of information to IMO;
 - .2 the current status of communication of information submitted to IMO by the maritime administration;
 - .3 the actions to be taken to coordinate between the government entities with responsibility for communication under the mandatory IMO instruments; and
 - .4 a responsible unit that will forward all reports, as well as relevant updates in GISIS modules for communication to IMO;
- .2 plan and conduct familiarization sessions in order to train relevant staff in the use of the GISIS platform and related modules, including other means of communication with IMO, based on the developed procedure; and
- .3 ensure that suitable person(s) will be employed or appointed to coordinate actions so that periodic independent evaluations are carried out and communicated to IMO, in accordance with the provisions of STCW 1978.

This corrective action will be completed by 31 December 2025.

FD

33 The entities comprising the maritime administration did not have documented procedures to define the controls needed for the identification, storage, protection, retrieval, and disposition of records (III Code, paragraph 10).

Root cause

34 A lack of awareness of the requirement for establishing a documented record management system contributed to this finding.

Corrective action

35 The maritime administration, in coordination with the relevant entities, will implement the following actions:

- .1 a quality management system will be developed and established with appropriate policy and procedure for management of records;
- .2 coordination with other entities in the maritime administration will be established in relation to the records to be maintained under the mandatory IMO instruments; and
- .3 relevant record management procedures will be established for all entities involved in the implementation and enforcement of the requirements stemming from the mandatory IMO instruments.

This corrective action will be completed by 31 December 2025.

FD

36 There was no evaluation and review mechanism in place for effecting continual improvement of the adequacy of the measures taken to give effect to the conventions and protocols to which the State is Party. Furthermore, the relevant entities of the State had not taken any measures to identify and eliminate the cause of non-conformities in order to prevent recurrence (III Code, paragraph 11; III Code, paragraph 13).

Root cause

37 The following factors contributed to this finding:

- .1 lack of defined responsibilities for evaluation; and
- .2 lack of methodologies for periodical evaluation of performance and monitoring in respect of meeting the State's obligations under the mandatory IMO instruments.

Corrective action

38 The maritime administration, together with relevant entities, will implement the following actions:

- .1 define and assign responsibilities to all entities that are involved in the implementation and enforcement of the State's obligations under the mandatory IMO instruments;
- .2 a quality management system will be developed, and appropriate policy/methodology for the evaluation of performance will be established and implemented through documented procedures to identify and eliminate the cause of non-conformities to prevent their recurrence, based on monitoring the defined performance indicators; and
- .3 provide training programmes for all personnel responsible for carrying out the aforementioned tasks to ensure appropriate and effective implementation of the new policy/methodology.

This corrective action will be completed by 31 December 2025.

FD

39 The State did not fully communicate mandatory information to IMO, as required by the applicable mandatory IMO instruments (SOLAS 1974, article III; STCW 1978, regulation I/8.3; STCW Code, section A-I/7, paragraph 4; III Code, paragraph 9).

Root cause

40 There was a lack of an effective procedure to identify and address all communication of information in accordance with the mandatory IMO requirements.

Corrective action

41 Coordination will be carried out between the State entities responsible for communicating mandatory information to IMO, in order to harmonize the data and information that must be communicated, as well as through the mode of reporting (GISIS, email). A documented procedure for this purpose will be developed and implemented, including the planning and frequency of communications to IMO.

This corrective action will be completed by 31 December 2025.

FD

42 The State did not fulfil all its obligations regarding communication of information to IMO under the mandatory IMO instruments (e.g. specimen of certificates, exemptions) (SOLAS 1974, article III; MARPOL, article 11 (1)(a); III Code, paragraph 9).

Root cause

43 The following root causes led to the finding:

- .1 there was a lack of awareness on the extent and level of IMO reporting requirements through GISIS; and
- .2 the responsibility for submitting mandatory information and reports to IMO was not clearly defined and established.

Corrective action

- 44 The maritime administration will implement the following actions:
- .1 assign responsibilities for each mandatory reporting requirement to IMO;
 - .2 establish a general procedure for uploading documentation to GISIS to assist reporters;
 - .3 monitor reporting requirements through the IMO Web Accounts Administrator and circulate reporting information reminders, if necessary; and
 - .4 add mandatory reporting updates as a standing agenda item of the National Maritime Steering Committee.

This corrective action will be completed by 31 December 2024.

FD

45 There was no overall system or mechanism in place to monitor and review the measures taken to implement and enforce the mandatory IMO instruments, including effective application and enforcement of national legislation (III Code, paragraph 11).

Root cause

46 The existing monitoring and reviewing measures were based on agency reporting under the existing legislative framework. Therefore a "whole-of-state" basis monitoring and reviewing for flag, port and coastal State obligations was not conducted.

Corrective action

- 47 The maritime administration will implement the following actions:
- .1 establish a steering committee comprising all entities with responsibilities for implementing the mandatory IMO instruments. The steering committee will be convened biannually;
 - .2 include holistic monitoring, reviewing and annual reporting of flag, port and coastal State obligations within the terms of reference of the steering committee; and
 - .3 evaluate the performance of the maritime administration (flag, port and coastal State rights, obligations, and responsibilities) annually.

This corrective action will be completed by 31 December 2025.

FD

48 There was no objective evidence that the State met all the communication of information requirements of the mandatory IMO instruments to which it is Party (e.g. details for port reception facilities, specimen of ship's certificates and casualty investigation reports). In addition, there was no mechanism in place for assigning responsibilities and giving instructions, as appropriate, to ensure the communication of mandatory reports to IMO (SOLAS 1974, article III; MARPOL, article 11 (1)(a); LL 1966, article 26; TONNAGE 1969, article 15; III Code, paragraph 9).

Root cause

- 49 The following factors contributed to this finding:
- .1 current arrangements in place did not entirely ensure the necessary monitoring for updates and for the provision of information;
 - .2 lack of clarity in the procedure for assigning responsibilities and communicating mandatory reports to IMO; and
 - .3 lack of clarity in the monitoring process.

Corrective action

- 50 The maritime administration will implement the following actions:
- .1 communicate with the GISIS Administrator to arrange access for responsible officer(s) from each governmental entity to the related GISIS modules for communication of relevant information;
 - .2 assign relevant duties through the responsible committee established under the III Code strategy, to the relevant authorities to disseminate the information to enhance the provision and update of information to IMO; and
 - .3 include dissemination of information to IMO as a standing agenda item for the responsible committee, so that dissemination of information to IMO will be checked at least once every year. The assignment of responsibilities for each GISIS module will be included as in the III Code strategy.

This corrective action will be completed by 30 June 2024.

Observations (OB)

51 It could not be established that the State had developed and implemented an overall strategy to ensure that its obligations and responsibilities under the mandatory IMO instruments are met (III Code, paragraph 3).

Root cause

52 The lack of coordination amongst various entities that deal with maritime affairs contributed to this observation.

Corrective action

- 53 The nodal entity with all other entities comprising the maritime administration of the State, will implement the following actions:
- .1 develop and implement an appropriate overall strategy document, in consultation with relevant entities, so that compliance with paragraph 3 of the III Code is achieved;
 - .2 the nodal entity will take the lead in coordination with the various entities concerned to institutionalize the overall strategy and to ensure that their respective roles and responsibilities under national law are included and defined within the overall strategy;

- .3 an effective methodology will be established and implemented to periodically monitor and assess that the adopted strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and
- .4 a mechanism will be developed and implemented to continuously review the adopted overall strategy, to achieve, maintain and improve the overall organizational performance and capability as flag, port and coastal State.

This corrective action will be completed by 30 June 2025.

OB

54 The adopted overall strategy 2021-2026 did not ensure full compliance with the State's international obligations as it did not contain clear assignment and division of flag, port and coastal State responsibilities among the State's entities participating in activities related to the protection of the marine environment, in particular in the implementation of provisions related to the handling of dangerous goods (III Code, paragraph 3.1).

Root cause

55 The lack of experience and awareness in developing this kind of document on the overall strategy and the complexity in coordinating with all entities of the State, contributed to this observation.

Corrective action

56 The responsible entities comprising the State's maritime administration, responsible for flag, coastal and port State activities, will review the national overall strategy to, in particular, clearly assign responsibilities among the different entities participating in the activities related to the protection of the marine environment according to MARPOL, and the handling of dangerous goods according to the IMDG Code. Consequently, the existing overall strategy will be amended and communicated to all involved, including relevant stakeholders.

This corrective action will be completed by 30 June 2025.

OB

57 Although the State had developed an overall strategy and respective methodology for monitoring, assessing and continuously reviewing, and recently communicated to all concerned, there was inadequate evidence to confirm that the strategy had been reviewed in order to achieve, maintain, and improve the overall organizational performance and capability as a flag, port, and coastal State (III Code, paragraph 3.2; III Code, paragraph 3.3).

Root cause

58 The following factors contributed to this observation:

- .1 complexity in coordinating, defining, and establishing an overall strategy among all entities of the State, including establishing/identification of objectives for the fulfilment of requirements stemming from the mandatory IMO instruments; and

- .2 the recent development and promulgation of the overall strategy prevented its review although, at the time of the audit, there was a mechanism in place for monitoring and assessing of the strategy as well as for its continuous review.

Corrective action

59 The maritime administration will implement the following actions:

- .1 concerned entities will review and assess the effectiveness of the overall strategy according to the methodology already in place; and
- .2 existing overall strategy, including the methodology for monitoring and assessing of the strategy as well as for its continuous review, will be confirmed as they are or be amended accordingly.

This corrective action will be completed by 30 April 2024.

OB

60 It could not be demonstrated that an overall strategy for the State had been developed and implemented to ensure that its obligations and responsibilities as flag, port and coastal State are fulfilled in the implementation and enforcement of the mandatory IMO instruments, including the establishment of methodology to monitor and assess the effectiveness of the strategy in the implementation and enforcement of the mandatory IMO instruments (III Code, paragraph 3).

Root cause

61 Lack of understanding of the scope of an overall strategy in compliance with paragraph 3 of the III Code led to this observation.

Corrective action

62 The maritime administration will:

- .1 develop and implement an overall strategy for the maritime administration that complies with paragraph 3 of the III Code;
- .2 establish a mechanism for evaluation and review of the implementation and enforcement of the mandatory IMO instruments;
- .3 assign responsibility to appropriate entities to periodically review and update the strategy; and
- .4 communicate the updated strategy to all relevant entities of the maritime administration.

This corrective action will be completed by 31 March 2026.

OB

63 Although the State had developed an overall strategy and respective methodology for monitoring, assessing and continuously reviewing the strategy; given its recent elaboration, the strategy had not been reviewed in order to achieve, maintain, and improve the overall organizational performance and capability as a flag, port, and coastal State (III Code, paragraph 3).

Root cause

64 There was a late awareness of the recommendation of having an overall strategy, as well as a methodology to monitor and evaluate its effectiveness, which caused a delay in its development and implementation.

Corrective action

65 The designated strategy's coordination team, composed by all entities of the State, will be in charge of submitting the strategy to continuous review, for which it will carry out an initial analysis of its effectiveness after the first internal audit in the first quarter of 2024. Said review will permit the existing mechanism to be adjusted and updated, including key performance indicators and to bring the strategy up to date.

This corrective action will be completed by 31 December 2025.

OB

66 The State did not have an overall strategy that included the engagement of all relevant entities involved in fulfilling the obligations and responsibilities of the State under the mandatory IMO instruments (III Code, paragraph 3).

Root cause

67 The following factors contributed to this observation:

- .1 lack of awareness of the recommendation for an overall strategy that includes all relevant entities responsible for implementing the mandatory IMO instruments; and
- .2 the existing structure of the Government presented difficulties establishing and clouded the need for a national maritime strategy.

Corrective action

68 The following actions will be implemented by the maritime administration:

- .1 establish a Steering Committee comprising all entities with responsibilities for implementing the mandatory IMO instruments;
- .2 include the development of a National Maritime Overall Strategy for implementing the mandatory IMO instruments within the terms of reference of the Steering Committee;
- .3 publish National Maritime Overall Strategy for implementing the mandatory IMO instruments and fulfilling flag, port and coastal State obligations; and

- .4 continuously review the National Maritime Overall Strategy by the Steering Committee.

This corrective action will be completed by 31 December 2025.

OB

69 The strategy presented by the State did not include some governmental entities that assist in meeting the obligations and exercising the responsibilities of the State under the applicable IMO instruments as flag, coastal and port State (III Code, paragraph 3).

Root cause

70 The responsible committee, established through the III Code Strategy, was formed on the understanding that the governmental entities/bodies directly related to the implementation and enforcement of the mandatory IMO instruments to which the III Code applies and the relevant national ratification laws, should be involved, and therefore entities indirectly related or assisting were not part of the overall strategy.

Corrective action

71 The responsible committee will:

- .1 invite to its future meetings, the governmental entities that assist in meeting the obligations and responsibilities emanating from the IMO Instruments. An evaluation was carried out by the responsible committee on other governmental entities indirectly involved and these entities will have an advisory/consultancy role to the responsible committee for the areas of their responsibility;
- .2 review and update the overall strategy to include all entities exercising coastal and port State functions; and
- .3 provide training on the III Code to representatives of the entities involved.

This corrective action will be completed by 30 June 2024.

FLAG STATE ACTIVITIES

Findings (FD)

72 The Administration had not implemented policies through issuing national legislation and guidance, which would assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it was Party. In addition, responsibilities within the Administration to update and revise any relevant policies adopted, had not been assigned (III Code, paragraph 15).

Root cause

73 The following factors contributed to this finding:

- .1 the legislation process did not enable the timely transposition of numerous successive IMO instruments and their amendments into national legislation;

- .2 lack of guidance through regulations, decisions, and for flag State activities circulars or manual, to assist in the implementation and enforcement of the requirement of the applicable IMO instruments; and
- .3 the institutional and regulatory organization did not envisage the responsibilities and authority of personnel to be documented in an administrative act of any kind.

Corrective action

74 The Administration will implement the following actions:

- .1 establish relevant policies and measures through national legislation and guidance for flag State implementation and enforcement of the mandatory IMO instruments, and promulgate these policies to all stakeholders for implementation;
- .2 designate an official and assign responsibility to periodically review and update the aforementioned adopted policies; and
- .3 the responsible ministry undertakes to review the existing organizational and divisional structure of the Administration and to record in an administrative act the responsibilities and authority of personnel of this Administration.

This corrective action will be completed by 30 June 2025.

FD

75 The Administration did not establish resources and processes capable of administering a safety and environmental protection programme, which includes:

- .1 the necessary administrative instructions or any interpretative national regulations, in order to implement applicable international rules and regulations;
- .2 an independent audit and inspection programme of the administrative body issuing the required certificates and relevant documentation to the ships flying the flag of the State; and
- .3 provision of guidance concerning those requirements found in the relevant IMO instruments that are "left to the satisfaction of the Administration" and type approval criteria for materials and equipment.

(III Code, paragraph 16.1; III Code, paragraph 16.2; III Code, paragraph 16.5).

Root cause

76 The following factors contributed to this finding:

- .1 the Administration did not have an adequate number of personnel with maritime expertise to assist in the development of necessary administration instruction and technical guidance for those items that are left "to the satisfaction of the Administration" in the mandatory IMO instruments; and

- .2 lack of understanding of the mandatory provisions of the III Code and a lack of regulation and administrative instructions for implementing an independent audit and inspection programme.

Corrective action

77 The Administration will implement the following actions:

- .1 develop and implement interpretative national rules related to those requirements that are left "to the satisfaction of the Administration" in relevant mandatory IMO instruments, with technical assistance from relevant institutions;
- .2 develop and implement administrative instructions and put in place an independent system for audits and inspections in order to ensure effective implementation of the rules and standards made mandatory by the relevant IMO instruments;
- .3 plan and conduct an in-house training programme for the staff responsible for flag State activities; and
- .4 develop a capacity-building programme, strengthening its existing human capacity and developing and implementing a specific training programme on ships of all sizes.

This corrective action will be completed by 30 June 2025.

FD

78 The Administration had not developed and implemented measures to:

- .1 ensure that requirements related to dispensations and recognition of certificates of foreign seafarers were fulfilled;
- .2 ensure that seafarers who present for recognition certificates issued under the provisions of regulations II/2, III/2 or III/3, or issued under regulation VII/1 of STCW 1978, have appropriate knowledge of maritime legislation of the State; and
- .3 establish and enforce the requirements of STCW 1978 relating to fitness for duty and watchkeeping, which included the prevention of drug and alcohol abuse, as well as rest periods and fatigue prevention.

(STCW 1978, regulation I/10.3; STCW 1978, regulation I/10.2; STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.3.1; III Code, paragraph 16.3.2; III Code, paragraph 16.3.4).

Root cause

79 Despite the incorporation into national legislation of amendments to the STCW Convention, the 2010 amendments were not effectively implemented and enforced owing to a lack of financial resources and the absence of personnel with adequate legal and technical expertise. In addition, there was a lack of subsidiary legislation including processes and documented procedures to assist in the implementation and enforcement of the STCW 1978 Convention.

Corrective action

- 80 The Administration will implement the following actions:
- .1 ensure the promulgation of national legislation incorporating the 2010 amendments to the 1978 STCW Convention and develop and implement regulations in support of the Manila amendments and ensure there are sufficient resources and qualified personnel with the appropriate qualifications, knowledge and experience;
 - .2 transpose into national legislation and implement the criteria for the recognition of certificates and conditions for the prevention of fatigue, alcohol abuse and prohibition of drugs and establish a mechanism mandating ships and companies to maintain records of hours of work and ensure verification of these during periodical inspections; and
 - .3 establish processes and develop and implement documented procedures to assist in the implementation and enforcement of the STCW 1978 Convention and its amendments.

This corrective action will be completed by 30 June 2025.

FD

81 There were no legal provisions in the national law to determine the minimum safe manning and to issue minimum safe manning documents. In addition, there was no evidence that the Principles of Safe Manning adopted by the Organization (resolution A.1047(27)) was considered while issuing safe manning documents to ships entitled to fly the flag of the State (SOLAS 1974, regulation V/14; III Code, paragraph 17).

Root cause

82 The minimum safe manning was determined on a case-by-case basis at the discretion of the authorities, due to a lack of understanding of the mandatory requirements taking into account resolution A.1047(27). Furthermore, the Administration failed to develop guidelines and regulations or procedures for ensuring that ships flying the flag of the State are sufficiently and efficiently manned.

Corrective action

- 83 The Administration will implement the following actions:
- .1 regulations, guidelines and procedures will be developed and implemented to determine the scale of manning and issuance of safe of manning documents, taking into account the principles of safe manning (resolution A.1047(27));
 - .2 periodic inspections of ships flying the flag of the State will be carried out to verify that the ships are sufficiently and efficiently manned; and
 - .3 undertake in-house training courses and IMO sponsored training programmes in order to enhance competence and experience in determining ships manning.

This corrective action will be completed by 30 June 2025.

FD

- 84 There was no evidence that the Administration had:
- .1 regulated delegation of authority in accordance with the requirements of the mandatory IMO instruments;
 - .2 determined that the RO had adequate resources in terms of technical, managerial and research capabilities;
 - .3 a formal written agreement with the RO containing the minimum requirements;
 - .4 issued specific instructions detailing actions to be followed in the event that a ship is found unseaworthy;
 - .5 provided the RO with all appropriate national laws and interpretations;
 - .6 ensured that ROs maintained records, which will provide the Administration with data to assist in the interpretation of requirements contained in the mandatory IMO instruments; and
 - .7 established or participated in an oversight programme with adequate resources for monitoring, and communication with, its ROs to ensure that its international obligations were fully met.

(SOLAS 1974, regulation I/6; SOLAS 1974, regulation XI-1/1; MARPOL, Annex I, regulation 6; MARPOL, Annex II, regulation 8; MARPOL, Annex IV, regulation 4; LL 1966, article 13; RO Code, part 1, section 4.2; RO Code, part 1, section 5; RO Code, part 2, section 8; RO Code, part 3, section 7.1.1; III Code, paragraph 18; III Code, paragraph 20).

Root cause

85 There was lack of a legal basis and a lack of policies and criteria for the delegation of authority to ROs and for providing adequate resources for monitoring of, and communication with, the ROs. Furthermore, there was a lack of designated personnel and quality management system (QMS).

Corrective action

- 86 The Administration will implement the following actions:
- .1 under the project on reviewing national legislation, develop and promulgate legislation in accordance with the requirements of the RO Code and other IMO instruments related to the delegation of authority for statutory certification;
 - .2 documented procedures will be developed and implemented within the QMS to establish an oversight programme for monitoring of ROs. The responsible office within the Administration will be a new dedicated unit for follow-up of RO activities and the appropriate number of qualified personnel will be recruited. There would be audits, follow-up audits and analysis of RO-related detention and casualty investigations;

- .3 issue specific instructions to ROs detailing actions to be followed in the event of an unseaworthy ship; and
- .4 revise existing agreements with ROs and sign new agreements in accordance with the RO Code and using the recommended model agreement set out in circular MSC-MEPC.5/Circ.16.

This corrective action will be completed by 30 June 2025.

FD

87 There was no objective evidence to suggest that the Administration took all necessary measures to secure observance of international rules and standards to:

- .1 prohibit ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;
- .2 establish a plan and conduct periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carried;
- .3 ensure adequate penalty provisions, in national legislation, to discourage violations of international rules and standards by ships entitled to fly the flag of the State;
- .4 institute proceedings against ship's officers who failed to exercise safe navigation and marine pollution prevention practices;
- .5 provide for the collection of statistical data on its fleet so that trend analyses could be conducted to identify problem areas; and
- .6 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States

(SOLAS 1974, regulation I/6; MARPOL, Annex I, regulation 6; III Code, paragraph 22.1; III Code, paragraph 22.2; III Code, paragraph 22.5; III Code, paragraph 22.8; III Code, paragraph 23.2; III Code, paragraph 23.3).

Root cause

88 The following factors contributed to this finding:

- .1 outdated rules and regulations and the absence of processes and documented procedures to prescribe penalties with adequate severity to discourage violation;
- .2 not all dispositions from international conventions have been transposed into national legislation for effective enforcement;
- .3 standard procedures were not established for inspection, detention and release from detention of ships flying the flag of the State or to prevent ships from sailing until they complied with applicable requirements; and
- .4 the Administration did not have an established system for data collection and analysis in order to periodically evaluate its performance.

Corrective action

89 The Administration will implement the following actions:

- .1 review and update the existing national legislation to include penal provisions of adequate severity to discourage violation of international maritime standards;
- .2 develop and implement standard procedures for inspection, detention, and release of ships from detention to ensure that ships flying the flag of the State fully comply with the requirements of international rules and standards;
- .3 develop and implement an enhanced inspection programme to verify that the actual condition of all ships entitled to fly the flag of the State and their crew are in conformity with the certificates they carry;
- .4 establish a mechanism for the timely response to deficiencies and alleged pollution incidents reported by port or coastal State authorities; and
- .5 establish and maintain a management system to evaluate the performance in the conduct of flag State activities based on data analysis to identify recurrent problem areas.

This corrective action will be completed by 30 June 2025.

FD

90 In the cases of detention of a ship entitled to fly the flag of the State, the Administration did not ensure that appropriate corrective measures were taken to bring the ship in question into immediate compliance with the applicable international instruments (III Code, paragraph 25).

Root cause

91 Lack of awareness and technical expertise of the requirements of the III Code.

Corrective action

92 The Administration will implement the following actions:

- .1 develop and establish a formal document to define the procedures and corrective measures in order to bring the ships detained by a port State into immediate compliance with the applicable mandatory provisions;
- .2 set up appropriate measures to prevent the detention of ships flying the flag of the State in foreign ports, including a mechanism to ensure their continuous compliance;
- .3 develop and implement a monitoring programme in cooperation with ROs for ships flying the flag of the State involved in detentions by port States;
- .4 develop and implement detailed instructions to ROs in case of detention of ships and transpose these instructions into national legislation; and
- .5 set up a monitoring and tracking system to ensure that the ships do not engage in any operation that warrants detention.

This corrective action will be completed by 30 June 2025.

FD

93 The Administration did not define and document the responsibilities, authority and interrelation of all personnel who manage, perform, and verify work relating to and affecting safety and pollution prevention, mainly for the flag State surveyors. Furthermore, the Administration did not implement a documented system for the qualification of personnel and continuous updating of their knowledge as flag State surveyors and it did not issue an identification document for the surveyor to carry when performing his/her tasks (III Code, paragraph 28; III Code, paragraph 35; III Code, paragraph 36; III Code, paragraph 37).

Root cause

94 The following factors contributed to this finding:

- .1 lack of documented procedures or policy on qualification and training of surveyors and on familiarization of newly recruited surveyors; and
- .2 the issuance of identification documents to each flag State surveyor had not been incorporated into national legislation.

Corrective action

95 The Administration will implement the following actions:

- .1 establish the job descriptions, responsible authority and interrelation of all personnel who manage, perform and verify work relating to, and affecting safety and pollution prevention;
- .2 develop and implement a continuous training programme for surveyors and keep it under review. The programme will include the training of new flag State surveyors and refresher training for existing ones. The programme will be based on the identification of the surveyor's individual needs, taking into account their background, expertise and skills;
- .3 establish a documented system to capture all relevant information pertaining to the qualification and training of flag State surveyors; and
- .4 provide surveyors, with proper qualifications and adequate training, with identification documents to conduct flag State surveys and inspections.

This corrective action will be completed by 30 June 2025.

FD

96 The Administration had not ensured that an investigation was conducted into every very serious marine casualty, as required by the Casualty Investigation Code. In addition, the investigations conducted so far, were not conducted in accordance with the relevant international instruments and no accident investigation report had been submitted to IMO by the Administration nor made available to the public and the shipping industry (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); Casualty Investigation Code, paragraph 6.1; Casualty Investigation Code, paragraph 6.2; Casualty Investigation Code, paragraph 10.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

- 97 The following factors contributed to this finding:
- .1 the requirements of the applicable mandatory provisions, including the Casualty Investigation Code, had not been incorporated into national legislation of the State; and
 - .2 the lack of technical and legal expertise to assist in developing investigative procedures and implement the requirements of the Casualty Investigation Code and conduct these investigations.

Corrective action

- 98 The Administration will implement the following actions:
- .1 as immediate measure, incorporate SOLAS 1974 regulation I/21, SOLAS 1974 regulation XI-1/6 and the Casualty Investigation Code into national legislation;
 - .2 establish an independent accident unit to ensure objectivity and impartiality of investigators in conducting marine casualty investigations and define required qualifications and knowledge of the investigators;
 - .3 develop and implement guidelines for conducting and reporting, the results to IMO and to the public, in accordance with the Casualty Investigation Code and guidelines developed by IMO (resolution A.1075(28)), including procedures for cooperation on casualty investigation with other States; and
 - .4 develop and implement in-house and abroad training programmes for the investigators to build up appropriate technical and legal expertise and knowledge on issues related to accidents investigation.

This corrective action will be completed by 30 June 2025.

FD

99 There was no system in place for the Administration to periodically evaluate its performance in respect of administrative processes, procedures and resources necessary to meet its flag State obligations and responsibilities under the mandatory IMO instruments (III Code, paragraph 42; III Code, paragraph 43).

Root cause

- 100 The following factors contributed to this finding:
- .1 lack of resources prevented the Administration from establishing a mechanism for evaluation of its performance in the conduct of flag State activities; and
 - .2 absence of an overall strategy that would have defined roles and responsibilities, including establishing an evaluation and review mechanism for flag State activities.

Corrective action

101 The Administration will implement the following actions:

- .1 develop and implement a mechanism detailing methodology, consisting of processes and procedures, for periodical review and evaluation of the flag State performance in respect of administrative processes, procedures and necessary resources to meet flag State obligations and responsibilities under the mandatory IMO instruments;
- .2 establish a methodology for monitoring and evaluation of performance in carrying out flag State activities, based on objectives and defined key performance indicators (KPI). The methodology will include a system for continuous review and regular follow-up meetings;
- .3 institutionalize the developed evaluation and review mechanism through national legislation and reflect it in the national maritime transport policy and in the overall strategy yet to be developed; and
- .4 provide the necessary resources to effectively implement the evaluation and review mechanism and establish a management system with internal and external audits by a certified body.

This corrective action will be completed by 30 June 2025.

FD

102 The Administration did not establish mechanisms for the issuance of continuous synopsis record (CSR), including amendments and appending previous CSR to a new CSR. In addition, the Administration, as the former flag State, did not fulfil the requirement to send CSR to a new flag State (SOLAS 1974, regulation XI-1/5.3; SOLAS 1974, regulation XI-1/5.4.2; SOLAS 1974, regulation XI-1/5.8; SOLAS 1974, regulation XI-1/5.9; III Code, paragraph 16.1).

Root cause

103 The lack of legal basis and guidelines for the issuance of CSR and the lack of assigned responsibilities between the responsible units of the Administration (headquarters and local offices/maritime districts) contributed to this finding.

Corrective action

104 The Administration will incorporate the provisions for the issuance of CSR into national legislation, including the development and implementation of appropriate guidelines and procedures. In addition, a review of all ship's files will be carried out to ensure that the issued CSRs are in line with the requirements set out in SOLAS 1974 and with the recommendation on the format and guidelines of CSRs (resolution A.959(28)).

This corrective action will be completed by 30 June 2025.

FD

105 Although there was national legislation and guidance in place for various technical areas applicable to ships flying the flag of the State, the implementation mechanism was not complete in order to effectively discharge the Administration's responsibilities and obligations, in particular:

- .1 administrative technical instructions to assist in the implementation of applicable mandatory IMO instruments;
- .2 provisions and guidelines related to fitness for duty and watchkeeping arrangements, specifically, "prevention of drug and alcohol abuse" according to STCW 1978; and
- .3 development, documentation and provision of guidance concerning those requirements that are left to "the satisfaction of the Administration" in mandatory IMO instruments and codes derived thereof.

(III Code, paragraph 16.1; III Code, paragraph 16.3; III Code, paragraph 16.5).

Root cause

106 The following factors contributed to this finding:

- .1 there was a lack of detailed policies related to instructions to assist in the implementation of applicable mandatory IMO instruments;
- .2 there was an unclear policy in implementing the existing national legislation regarding fitness for duty and watchkeeping arrangements, according to STCW 1978 requirements: and
- .3 with regard to the lack of a detailed guidance concerning requirements that are left "to the satisfaction of the Administration" in mandatory IMO instruments and Codes, the Administration relied on the fact that most of the frequently occurring requirements had already been regulated by existing national legislation, and the misperception that the already existing administrative guidance would be sufficient to cover every other case.

Corrective action

107 The Administration will implement the following actions:

- .1 perform a detailed review of the existing instructions to identify the individual deficiencies, and the need for further issuance of necessary policies and guidance;
- .2 issue a circular in order to inform the seafarers on board about the permitted limits in alcohol consumption, the prohibition of the use of drugs or other narcotic addictive substances and the consequent legal penalties in accordance with the national legislation that is already in force. The above-mentioned circular, which shall be posted on board in the assembly accommodation, will encourage ship-owners, in the framework of safety culture, to ensure the adoption and implementation of appropriate policies in order to prevent the use of drugs and alcohol abuse on board their ships,

proposing the implementation of a system for continuous information and training to seafarers and the inclusion of specific procedures in the company's safety management system; and

- .3 regarding guidelines for implementation of those requirements of the mandatory IMO instruments left "to the satisfaction of the Administration", or equivalents, the following actions will be considered:
 - .1 review of the mandatory IMO instruments, to register and identify all the provisions and requirements that are left "to the satisfaction of the Administration", or equivalents, and their relationship with existing national legislation, ministerial decisions, policies, and procedures, covering Administration's requirements. Therefore, for unaddressed requirements, which have not been regulated, owing to lack of such requested case or technical complexity or any other reason, the phrase on a case-by-case basis" shall be noted, taking into account "the specific criteria; and
 - .2 the aforementioned framework and process will be kept under continuous review to ensure compliance with the latest amendments to applicable mandatory IMO instruments. The related working instructions, incorporated in the Quality Management System, will be amended, and will include a provision for the review of the related tables on a yearly basis, or earlier if necessary. If the review is considered to be necessary, said tables will be effectively updated in terms of including new provisions laid down in the mandatory IMO instruments as well as reflecting changes/amendments in the applicable legislation. Furthermore, mentioned working instructions will be communicated to all stakeholders by appropriate means.

This corrective action will be completed by 31 October 2025.

FD

108 There was evidence to demonstrate that the monitoring of ROs was not adequately carried out in compliance with the applicable requirements of the mandatory IMO instruments under the oversight programme established by the Administration (III Code, paragraph 20).

Root cause

109 The following factors contributed to this finding:

- .1 lack of an internal procedure to exercise systematic monitoring of the ROs' individual electronic information systems – no specific responsibilities had been assigned to this end; no specific instructions had been issued; and
- .2 lack of an effective mechanism to process, co-relate and store information on the actual ships' status and their compliance with the requirements of applicable instruments.

Corrective action

110 The Administration will implement the following actions:

- .1 develop and implement an internal procedure to improve the implementation of the existing systematic monitoring of the ROs' individual electronic information systems, assigning this task to selected users, with emphasis on overdue survey items; and
- .2 develop and maintain an electronic information system, designed to support the registry of ships flying the flag of the State, providing information on the ship's particulars, history, certification body and several other pertinent data, effectively facilitating cross-examination of information on the ROs' electronic systems and thus enhancing monitoring of the authorized ROs' activity.

This corrective action will be completed by 30 June 2025.

FD

111 It was established that the number of flag State inspections for ships entitled to fly the flag of the State carried out on a periodical basis was not adequate to verify that the actual condition of the ship and her crew was in conformity with the certificates she carried and that requirements of the mandatory IMO instruments were met (III Code, paragraph 22.2).

Root cause

112 Lack of awareness and understanding that periodic inspections of seagoing ships should be a priority within the Administration's established inspection regime contributed to this finding.

Corrective action

113 The Administration will implement the following actions:

- .1 a five-year inspection cycle for all ships entitled to fly the flag of the State; and
- .2 the conduct of a supplementary inspection of detained ships entitled to fly the flag of the State within a six-month period from the date that the detention was imposed.

This corrective action will be completed by 30 June 2025.

FD

114 It was confirmed during the audit that the validation of Cargo Record Book in relation to exemption from prewash under MARPOL, Annex II, regulation 13.4 was being carried out by a non-government person contrary to the requirements set in national legislation (MARPOL, Annex II, regulation 13.4; III Code, paragraph 15.1).

Root cause

115 Lack of clarity of instructions regarding the surveyor, appointed or authorized under MARPOL, Annex II, with regard to the process aimed at granting the exemption from prewash on behalf of the Government of the receiving Party, including making appropriate entries in the Cargo Record Book, contributed to this finding.

Corrective action

116 The responsible entity will implement the following actions:

- .1 clarify, through an appropriate instrument issued by the competent authority, who is the surveyor appointed/authorized under MARPOL, Annex II, to implement its requirement in respect of granting the exemption from prewash on behalf of the Government of the receiving Party;
- .2 implement the instrument identified for the purpose under .1; and
- .3 inform/update stakeholders, as appropriate.

This corrective action will be completed by 31 December 2024.

FD

117 Formal written agreements concluded with ROs did not meet the minimum requirements established in the relevant mandatory IMO instruments, in particular:

- .1 ROs were issuing certificates and documents in accordance with MARPOL, Annex VI and its amendments, which was not specifically included within the said formal agreement;
- .2 mechanisms to update the agreements when new documents or certificates were made mandatory under applicable mandatory IMO instruments; and
- .3 specific provisions regarding TONNAGE 1969.

(SOLAS 1974, regulation XI-1/1; MARPOL, Annex VI, regulation 5 ; TONNAGE 1969, Article 7(2); RO Code, part 2, section 8; III Code, paragraph 18.2).

Root cause

118 The following factors contributed to this finding:

- .1 lack of a review of existing agreements with ROs to ensure their continuous consistency with provisions of the RO Code, MARPOL, Annex VI and its amendments, and data collection system (DSC);
- .2 at the time of the audit written agreements with ROs related to TONNAGE 1969 were drafted only; and
- .3 lack of a mechanism for continuous review of existing agreements with ROs, when necessary.

Corrective action

119 The Administration will implement the following actions:

- .1 review existing agreements with ROs to ensure that they meet the provisions of the RO Code and the mandatory IMO instruments to which the State is a Party;
- .2 develop and implement agreements with ROs with regard to TONNAGE 1969;
- .3 develop and implement a mechanism for reviewing of RO's agreements to ensure their continuous consistency with the requirements of the RO Code and mandatory IMO instruments to which the State is a Party;
- .4 timely upload of the reviewed agreements in the relevant GISIS module; and
- .5 participation of new and existing personnel dealing with delegation of authority to ROs-oriented trainings/seminars/meetings and/or groups of experts.

This corrective action will be completed by 31 December 2024.

FD

120 The scope of application of certain regulations of SOLAS 1974, chapter II-1, and MARPOL, Annex I, regulation 28, had not been reflected correctly in national legislation (SOLAS 1974, regulation II-1/1.1.2; MARPOL, Annex I, regulation 28.6.3; III Code, paragraph 15.1).

Root cause

121 The process of transposition of amendments to the mandatory IMO instruments into the national law was not easily demonstrable, even though those transpositions were appropriately done.

Corrective action

122 The Administration will maintain records about how each amendment or specific provision of the mandatory IMO instruments is transposed accurately, especially if there is more than one entity responsible for transposition, so that it can be easily demonstrated.

This corrective action will be completed by 31 March 2024.

FD

123 The agreements concluded between the Administration and ROs (or equivalent arrangement) were not found to include, as a minimum, the elements set out in the RO Code. In addition, specific instructions were not issued to ROs detailing actions to be followed in the event that the ship is found unfit to proceed to sea without danger to the ship or persons on board or present any danger to the marine environment (RO Code, part 2, section 8; III Code, paragraph 18.2; III Code, paragraph 18.3).

Root cause

124 The enabling legislation to implement the specific provisions of the RO Code and the III Code (delegation of authority) was not easily demonstrable, even though the Administration maritime QMS manual had the requirement regarding confirmation of compliance with Part 2 of the RO Code and national laws had the relevant provisions regarding paragraph 18.3 of the III Code.

Corrective action

125 The Administration will maintain records on how the RO Code and the III Code (delegation of authority) are transposed accurately to national regulations, in order to keep this matter easily demonstrable.

This corrective action will be completed by 31 March 2024.

FD

126 There was evidence that some entities of the Administration had undertaken periodic evaluation of performance of their area of work. However, it could not be demonstrated that flag State performance was evaluated to determine whether staffing, resources, and administrative processes were adequate to meet flag State obligations (III Code, paragraph 42; III Code, paragraph 43).

Root cause

127 Lack of awareness of some of the requirements of the III Code (evaluation and review, Part 2 – Flag State) led to this finding.

Corrective action

128 The following actions will be implemented:

- .1 the responsible coordinating entity in the maritime administration will evaluate the flag State performance, including that of the maritime administration's activities, and communicate the result of such evaluations to all relevant entities of the Administration; and
- .2 records of flag State evaluation will be maintained.

This corrective action will be completed by 31 March 2026.

FD

129 The Administration did not develop, document, and implement policies through issuing national legislation and guidance, which would assist in the implementation and enforcement of those requirements of the mandatory IMO instruments, and in the conduct of marine casualty investigation. In addition, the scope of application of SOLAS 1974, chapter V, and MARPOL, Annexes I and V, to ships irrespective of their size and area of operation, and the Casualty Investigation Code had not been incorporated into national legislation (SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.4; MARPOL, Annex I, regulation 15.6.2; MARPOL, Annex V, regulation 6.3.2; Casualty Investigation Code, paragraph 6.2; III Code, paragraph 15).

Root cause

130 There was a lack of understanding on the actions required to be undertaken by the Administration to effectively discharge its responsibilities and obligations stemming from the mandatory IMO instruments.

Corrective action

131 The Administration will undertake the following actions:

- .1 provide training to staff, including through technical assistance from IMO, on the drafting of maritime legislation, regulations and guidance for flag State implementation;
- .2 develop and implement administrative instructions and guidelines to facilitate the implementation of the requirements of the mandatory IMO Instruments; and
- .3 establish a documented mechanism and procedures for the implementation of policies through the development, updating and regular review of relevant national legislation, rules, regulations relating to the flag State activities.

This corrective action will be completed by 31 December 2025.

FD

132 The resources and processes established by the Administration for implementing the mandatory IMO instruments were inadequate. Specifically, administrative instructions had not been issued to surveyors for implementing requirements stemming from the mandatory IMO instruments, and the form of certificates issued to ships did not correspond to the model in the relevant IMO instrument. No administrative directions had been issued to ensure fitness for duty of seafarers and watchkeeping arrangements on board ships (MARPOL, Annex I, regulation 9; STCW 1978, regulation VIII/1.1; STCW 1978, regulation VIII/1.2; STCW 1978, regulation VIII/2.; STCW 1978, regulation VIII/2.2; III Code, paragraph 16.1; III Code, paragraph 16.3).

Root cause

133 There was no systematic review at regular intervals of the resources required for implementation of the mandatory IMO instruments.

Corrective action

134 The Administration will undertake the following actions:

- .1 carry out a legislative impact assessment, including a review of the existing organizational structure, and make available adequate resources for implementing the mandatory IMO instruments;
- .2 identify and develop processes needed for implementing the mandatory IMO instruments; and
- .3 develop a programme for continual improvement and issuance of administrative instructions for flag State implementation.

This corrective action will be completed by 31 December 2025.

FD

135 The Administration had not developed or documented interpretation or guidance concerning those requirements left to "the satisfaction of the Administration" under the mandatory IMO instruments (III Code, paragraph 16.5).

Root cause

136 The following factors contributed to this finding:

- .1 there was a lack of understanding on the specific actions to be undertaken by the Administration in relation to the requirements in the mandatory IMO instruments that were left "to the satisfaction of the Administration"; and
- .2 there was an absence of national legislation that provided a basis to develop procedures and guidelines on the requirements in the mandatory IMO instruments that were left "to the satisfaction of the Administration".

Corrective action

137 The Administration will undertake the following actions:

- .1 develop and implement a suitable training programme for legal and technical staff, enabling them to identify, develop and implement specific policy and actions in relation to the requirements of relevant mandatory IMO instruments that are left "to the satisfaction of the Administration";
- .2 include enabling provisions in the national legislation to develop procedures and guidelines on the requirements of the mandatory IMO instruments that are left "to the satisfaction of the Administration"; and
- .3 implement a system to develop and implement instructions and administrative arrangements to ensure effective implementation of the rules and standards in the mandatory IMO instruments, including interpretations left "to the satisfaction of the Administration".

This corrective action will be completed by 31 December 2025.

FD

138 The Administration did not regulate delegation of authority in accordance with the requirements of the mandatory IMO instruments. Some of the authorizations issued by the Administration to classification societies and private marine surveyors were not in accordance with the RO Code. Specific instructions were not issued to classification societies and private nominated surveyors detailing actions to be followed in the event that a ship is found unseaworthy (SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.1; III Code, paragraph 18.2; III Code, paragraph 18.3; III Code, paragraph 23).

Root cause

139 The following factors contributed to this finding:

- .1 lack of national laws to regulate the delegation of authority to ROs; and

- .2 lack of human resources in the Administration to perform tasks related to delegation of authority to ROs.

Corrective action

140 The Administration will undertake the following actions:

- .1 develop national legislation and policies for delegation of authority in accordance with the mandatory IMO instruments and the RO Code;
- .2 recruit additional personnel with sufficient maritime knowledge to perform the tasks with regard to the delegation of authority to ROs and nominated surveyors;
- .3 develop a quality management system in order to regulate the delegation of authority to ROs in accordance with the RO Code;
- .4 review all existing RO agreements and updated them, as necessary; and
- .5 issue specific instructions to be taken by ROs and nominated surveyors when ships are found unseaworthy.

This corrective action will be completed by 31 December 2025.

FD

141 The Administration had not established or participated in an oversight programme, nor provided adequate resources for monitoring of the survey and certification activities delegated to organizations and private marine surveyors in order to ensure that requirements for ships, including those on domestic voyages, stemming from the mandatory IMO instruments, were complied with (III Code, paragraph 20).

Root cause

142 The following factors contributed to this finding:

- .1 inadequacy of qualified personnel in the Administration; and
- .2 there was no specific policy for oversight of the delegated functions to ROs.

Corrective action

143 The Administration will implement the following actions:

- .1 incorporate the RO Code into national legislation/regulations;
- .2 carry out a legislative impact assessment with an emphasis on required human resources, and recruit additional personnel with sufficient maritime knowledge to perform the tasks with regard to the delegation of authority to ROs;
- .3 develop and implement systems and procedures in the quality management system in order to regulate the delegation of authority to ROs in accordance with the RO Code;

- .4 review existing oversight arrangements for ROs and nominated private marine surveyors;
- .5 formalize an oversight programme for ROs and nominated private marine surveyors; and
- .6 assign qualified personnel for the oversight of ROs and nominated private marine surveyors.

This corrective action will be completed by 31 December 2025.

FD

144 The number of qualified personnel to implement and enforce national legislation and the mandatory IMO instruments, including personnel for performing investigations and surveys was insufficient (III Code, paragraph 24).

Root cause

145 There was no review at regular intervals of the resources required for the implementation and enforcement of the mandatory IMO instruments.

Corrective action

146 The Administration will implement the following actions:

- .1 carry out a legislative impact assessment with an emphasis on the human resources required for the Administration, including a review of the existing organizational structure; and
- .2 provide necessary resources to the Administration (i.e. human, financial and equipment) required for implementation and enforcement of the mandatory IMO instruments based on this assessment.

This corrective action will be completed by 31 December 2025.

FD

147 The Administration had not implemented a documented system for the qualification and continuous updating of the knowledge of the personnel in the Administration with regard to the tasks they were authorized to undertake (III Code, paragraph 35; III Code, paragraph 36).

Root cause

148 The following root causes contributed to this finding:

- .1 there was no policy on the qualification of personnel in the Administration and fulfilling their training needs; and
- .2 the absence of a system, that included procedures and processes for the recruitment and training of relevant Administration personnel.

Corrective action

149 The following actions will be implemented by the Administration, in collaboration with other relevant entities:

- .1 develop and implement policies, procedures and processes under a quality standard system for qualification, recruitment and training of personnel in accordance with the provisions in the III Code and the mandatory IMO instruments;
- .2 establish and implement documented training programmes for existing and new personnel in order to keep their knowledge updated, based on the tasks they are authorized to undertake under the mandatory IMO instruments; and
- .3 organize training programmes for personnel to build their capacity and expertise.

This corrective action will be completed by 31 December 2025.

FD

150 The procedure followed by the Administration for investigating and reporting ship casualties did not comply with the provisions of the Casualty Investigation Code. In particular, there was no evidence of participation of a substantially interested State during investigation into a collision incident. The final marine safety investigation report had not been submitted to IMO or made available to the public (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 10.1; Casualty Investigation Code, paragraph 14.1; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

151 The following factors contributed to this finding:

- .1 the Casualty Investigation Code had not been transposed into national legislation;
- .2 since the regulations and related procedures have not been developed, the requirements of the Casualty Investigation Code had not been implemented; and
- .3 insufficient number of trained personnel to implement the Casualty Investigation Code.

Corrective action

152 The Administration will implement the following actions:

- .1 develop subsidiary national legislation, procedures and guidelines to assist in the implementation of the Casualty Investigation Code and to assist the investigators in the investigation process;
- .2 establish arrangements to ensure the impartiality and objectivity of the investigation and the publication of investigation reports to the public; and

- .3 provide training to the personnel conducting casualty investigations, including through technical assistance from IMO and other organizations.

This corrective action will be completed by 31 December 2025.

FD

153 The Administration did not establish a system to undertake periodic evaluation of its performance in order to determine whether staffing, resources, and administrative processes were adequate to meet its flag State obligations (III Code, paragraph 42; III Code, paragraph 43; III Code, paragraph 44).

Root cause

154 The following factors contributed to this finding:

- .1 there was a lack of policies and documented procedures for evaluation and review of the flag State performance, encompassing indicators relevant for flag State evaluation; and
- .2 insufficient coordination between the entities involved in the implementation of flag State obligations to collate information as a basis for undertaking evaluation of flag State performance.

Corrective action

155 The Administration will implement the following actions:

- .1 develop and implement a reporting procedure for collating information from relevant entities on flag State performance, including all areas under paragraph 44 of the III Code;
- .2 develop and implement a "flag State monitoring and evaluation mechanism" for monitoring and evaluating performance in the conduct of flag State activities; and
- .3 develop and implement a procedure to conduct, record and retain results of periodic flag State performance evaluations through a quality management system.

This corrective action will be completed by 31 December 2025.

FD

156 Although the Administration had established those criteria "left to the satisfaction of the Administration" contained in various mandatory IMO instruments, interpretations had not been developed or documented, and no guidance was provided on those criteria under some of the codes made mandatory under the applicable IMO instruments (LSA Code, paragraph 1.2.3; Noise Code, paragraph 7.4; ISM Code, paragraph 15.1; III Code, paragraph 16.5).

Root cause

157 There was a lack of an adequate procedure to ensure the analysis, development and documentation of interpretations and guidance on those requirements left "to the satisfaction of the Administration" and equivalent provisions of the mandatory IMO instruments.

Corrective action

158 The Administration will develop and document interpretations providing guidance on the requirements of the mandatory IMO instruments that are left "to the satisfaction of the Administration" and equivalent provisions. For this purpose, a documented procedure will be developed and implemented to ensure the analysis, development and documentation of interpretations and guidance in this respect, including the latest amendments.

This corrective action will be completed by 31 December 2025.

FD

159 Although chapter VIII of STCW 1978 was given effect through the primary act, the Administration had not established measures to assist in the implementation and enforcement of these requirements for the purpose of preventing drugs and alcohol abuse (STCW 1978, regulation VIII/1.2; III Code, paragraph 15.1; III Code, paragraph 16.3).

Root cause

160 The delegated secondary legislation did not prescribe the acceptable blood alcohol limits, since these limits were still in consultation with stakeholders.

Corrective action

161 The Administration will amend, approve, and publish a secondary legislation to prescribe acceptable blood alcohol limits, in accordance with STCW 1978.

This corrective action will be completed by 31 December 2025.

FD

162 Although there was national legislation and guidance in place for many technical areas to assist in the implementation and enforcement of the mandatory IMO instruments, necessary measures were not taken to secure observance of the mandatory IMO instruments that were applicable to offshore platforms and facilities (MARPOL, Annex I, regulation 6; MARPOL, Annex I, regulation 39.2.2; III Code, paragraph 22; III Code, paragraph 24).

Root cause

163 The responsibility for implementing the mandatory IMO instruments applicable to offshore platforms and facilities was not clearly defined in the legislation.

Corrective action

164 The following actions will be implemented by responsible entities:

- .1 the primary legislation will be amended to define the responsibility, and/or guidance developed, to apply the mandatory IMO instruments to offshore platforms and facilities; and
- .2 secondary legislation will then be updated to apply the mandatory IMO instruments to offshore platforms and facilities.

This corrective action will be completed by 31 December 2025.

FD

165 It was established that the number of flag State inspections for ships entitled to fly the flag of the State carried out on a periodical basis was not sufficient to verify that the actual condition of the ship and its crew was in conformity with the certificates it carried and in compliance with the applicable mandatory IMO instruments (III Code, paragraph 22.2).

Root cause

166 A policy was not set for the yearly target for the periodic inspection of ships entitled to fly the flag of the State (in % total fleet or in numbers). Since the "number of flag State inspections of ships to be carried out" or the "sufficiency of flag State inspections" were not specifically prescribed in the mandatory IMO instruments and recommendations, the interpretation was that a system for supervision of ships through a selected number of additional (supplementary) inspections would be sufficient.

Corrective action

167 The following actions will be taken by the Administration:

- .1 establish and implement a policy for flag State inspections, setting a yearly target for the number of inspections. The ships to be inspected will be selected based on prescribed criteria. The yearly target will reflect the number of flag State inspections (or as a % of the ships in the fleet or based on risk profile), as a fair representation of the ships flying the flag of the State; and
- .2 yearly target will be monitored and reviewed periodically by the Committee for Formulating and Steering on Overall Maritime Strategy and will be improved and reflected in the key performance indicator (KPI) for evaluation and review of flag State activities.

This corrective action will be completed by 31 January 2024.

FD

168 There was evidence that very serious marine casualties were not investigated in compliance with the relevant international instruments, taking into account the Casualty Investigation Code and guidelines developed by IMO, in particular, which includes the conduct of investigations, release of reports to the public and reporting to IMO (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; MARPOL, article 12(1); LL 1966, article 23; Casualty Investigation Code, paragraph 14.4; III Code, paragraph 41).

Root cause

169 Between 2012 and 2016, the absence of a dedicated national maritime unit equipped with adequate resources and operational guidance, alongside the lack of a legal framework, resulted in a failure to conduct maritime casualty investigations and report them to IMO and to the public.

Corrective action

170 The responsible entity will implement the following actions:

- .1 all non-investigated very serious marine casualties that occurred between 2012 and 2016 will be conducted and the outstanding reports will be released and communicated to IMO accordingly;
- .2 training based on IMO courses will be provided to MIO investigators, ensuring continuous professional development; and
- .3 the status of marine safety investigations in the State will be reviewed every year by a dedicated entity.

This corrective action will be completed by 30 June 2025.

FD

171 Although eight recognized organizations performed the statutory survey and certification of ships on behalf of the Administration, there was no formal written agreement between the Administration and these organizations that, as a minimum, included the elements set out in the RO Code (RO Code, part 2, section 1.2 and appendix 3; RO Code, part 2, section 8; III Code, paragraph 18.2).

Root cause

172 The following factors contributed to this finding:

- .1 the legal interpretation of the "RO agreement" was that a unilateral undertaking (memorandum) by RO would be sufficient to meet the requirements of the IMO instruments and the RO Code; and
- .2 based on this understanding, the Administration followed the practice of obtaining an undertaking from ROs that covered the elements in the RO Code.

Corrective action

173 The Administration will implement the following actions:

- .1 a mutual agreement form that fulfils the requirements of the RO Code, based on the model agreement adopted by IMO through MSC-MEPC.5/Circ.16, will be promulgated in the Government Gazette and implemented;
- .2 going forward, this form will be used while delegating authority to ROs to replace the current practice;

- .3 agreements will be signed between the Administration and existing ROs in the new form; and
- .4 the signed mutual agreements between the Administration and ROs will be communicated to IMO through the appropriate GISIS module.

This corrective action will be completed by 31 January 2024.

FD

174 The Administration provided guidance concerning those requirements left "to the satisfaction of the Administration" in the mandatory IMO instruments. However, it could not be established that interpretations have been provided adequately for all related requirements (SOLAS 1974, regulation II-2/10.2.3.2.1; III Code, paragraph 16.5).

Root cause

175 The flag administration had in place a methodology to address those provisions that are left "to the satisfaction of the Administration", comprising of a relevant circular and ISO 9001:2015 procedure. However, owing to misunderstanding and/or guidance on the types of evidence that are required by the III Code in relation to the methodology adopted to demonstrate compliance, it was found out that the existing methodology did not address entirely all the requirements/cases.

Corrective action

176 The Administration will implement the following actions:

- .1 the flag Administration has revised its current relevant circular to cover the interpretations given by the ship's previous flag when it comes to ships that have been registered to other flag(s) before entering its ship registry;
- .2 furthermore, it is noted that the III 9 Sub-Committee agreed that there was a need to provide clear guidance/clarification in the draft III Code Guidance, that was under development, for the provisions left "to the satisfaction of the Administration"; and
- .3 relevant training will be provided to personnel, upon the issuance of the relevant MSC-MEPC circular on the III Code Implementation Guidance (as per the above-mentioned decision).

This corrective action will be completed by 30 June 2024.

FD

177 The process of endorsement followed by the Administration for recognition of Certificates of Competency was found not fully in accordance with the applicable requirements with regard to verification of knowledge of the maritime legislation of the State and medical fitness certificates. In addition, there was no objective evidence to demonstrate that the established measures to prevent drug and alcohol abuse were enforced (STCW 1978, regulation I/10; STCW 1978, regulation VIII/1.2; STCW Code, section A-VIII/1, paragraph 10; III Code, paragraph 16.3.2; III Code, paragraph 27).

Root cause

178 The following factors contributed to this finding:

- .1 with respect to the verification of knowledge of the maritime legislation there was a failure in the procedure during digitalization of the application for the endorsement and failure in review process;
- .2 verifying the list of approved doctors of each State where the medical fitness certificates are issued presented an administrative burden; and
- .3 with respect to the established measures to prevent drug and alcohol abuse there was a lack of procedure and resources for monitoring and enforcing the established measures.

Corrective action

179 The Administration will implement the following actions:

- .1 introduce an online system to verify knowledge of the maritime legislation and medical fitness certificates before recognition of certificates;
- .2 introduce a declaration form to be signed by the applicant confirming the required knowledge of the maritime legislation, and a copy of medical fitness certificate issued by a medical practitioner recognized by a Party to the STCW Convention, a copy of the list of approved medical practitioners recognized by that Party, and a copy of the verification of the medical fitness certificate will form a part of the application; and
- .3 with respect to the established measures to prevent drug and alcohol abuse a new circular, was issued addressing this matter. Thus, during the audits of the company under ISM, the recognized organization's (RO's) auditor must monitor the provisions of above-mentioned circular with respect to drug and alcohol abuse and document it on his/her report and also during the audit of flagged ships under ISM. The RO auditor must monitor the provisions of this circular with respect to drug and alcohol abuse and document it in their report. Furthermore, the internal ISO forms used for the RO audits and flag State inspections have been amended to specifically include this item.

This corrective action will be completed by 31 January 2024.

FD

180 There was no system in place for the marine casualty investigation service to periodically evaluate its performance in respect of implementation of administrative processes, procedures, and resources necessary to meet its obligation and responsibilities under the mandatory IMO instruments (III Code, paragraph 42).

Root cause

181 There was a lack of understanding/knowledge of the relevant requirements of the III Code in relation to marine casualty investigation.

Corrective action

182 The Administration will implement the following actions:

- .1 develop, implement, have certified, and maintain an ISO 9001:2015 quality management system for evaluation of marine casualties' investigation activities; and
- .2 train personnel on the III Code and its relevant requirements and on ISO 9001 internal auditing.

This corrective action will be completed by 31 December 2024.

Observations (OB)

183 There was no system in place for investigation into accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents (III Code, paragraph 40).

Root cause

184 The absence of national legislation adopting the Casualty Investigation Code, the absence of a system/procedure for tracking and incorporating related amendments and the lack of qualified personnel contributed to this observation.

Corrective action

185 The Administration will incorporate the Casualty Investigation Code into national legislation to regulate the investigation process and, in addition, implement provisions to investigate accidents involving personal injury necessitating absence from duty of three days or more, in accordance with the provisions of the III Code. In addition, a documented system for the training of investigators to strengthen their knowledge and capabilities will be developed and implemented.

This corrective action will be completed by 30 June 2025.

OB

186 There was no evidence to demonstrate that accidents involving personal injury necessitating absence from duty of three days, or more were investigated (III Code, paragraph 40).

Root cause

187 The following factors contributed to this observation:

- .1 diverging interpretations of the provision of paragraph 40 of the III Code; and
- .2 no clear interpretation and policies for investigating personal injury necessitating absence from duty of three days or more.

Corrective action

188 The Administration will implement the following actions:

- .1 enhance the preliminary assessment procedure for accidents involving personal injury necessitating absence from duty of three days or more, by amending the State's Marine Casualties Investigation's Manual, with specific provision in order to request from the managers of the involved ship the investigation report conducted. The aforementioned action will focus on a more expanded evaluation of the overall accident, by assessing the contributing factors, as well as the actions taken by the managing company; and
- .2 amend the criteria for the initiation of a marine safety investigation in the State's Manual, by incorporating the provision of paragraph 40 of the III Code to investigate accidents involving personal injury necessitating absence from duty of three days or more.

This corrective action will be completed by 31 December 2024.

OB

189 The Administration did not establish a training programme for marine safety investigators and to update the knowledge of investigators to ensure working knowledge and practical experience in those subject areas pertaining to the casualty (III Code, paragraph 39).

Root cause

190 Absence of transposition of the Casualty Investigation Code into national legislation has led to this observation.

Corrective action

191 The Administration will implement the following actions:

- .1 transpose the Casualty Investigation Code into national legislation; and
- .2 develop and implement a specialized training programme for investigators in the field of maritime casualty investigation, in accordance with the requirements of the III Code and the Casualty Investigation Code.

This corrective action will be completed by 31 December 2025.

OB

192 It could not be demonstrated that designated external investigators had expertise in interviewing techniques and in evidence gathering in performing marine safety investigations as assigned by the marine accident investigation board (III Code, paragraph 39).

Root cause

193 There was a misunderstanding of the relevant requirements of the III Code.

Corrective action

194 Existing procedures will be amended to require all marine accident investigators to be trained on the IMO Model Courses (e.g. 6.09 (Training Course for Instructors) and 3.11 (Safety Investigation into Marine Casualties and Incidents)) and any available training material, as appropriate. External investigators will be trained by the aforementioned marine accident investigators.

This corrective action will be completed by 31 December 2025.

OB

195 There was no evidence to demonstrate that occupational accidents involving personal injury necessitating absence from duty of three days or more were investigated (III Code, paragraph 40).

Root cause

196 There was a misinterpretation of the requirements of the mandatory IMO instruments related to casualty investigation, namely the III Code and the Casualty Investigation Code, regarding the investigation of accidents involving personal injury necessitating absence from duty of three days or more.

Corrective action

197 The following actions will be implemented by the responsible committee:

- .1 develop and implement a procedure for the investigation under the ISO 9001 quality management system, for accidents involving personal injury necessitating absence from duty of three days or more; and
- .2 personnel will be provided with training on the III Code.

This corrective action will be completed by 31 December 2024.

COASTAL STATE ACTIVITIES

Findings (FD)

198 The maritime administration had not implemented policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the applicable mandatory IMO instruments and had not assigned the responsibilities for doing so and future updates (III Code, paragraph 46).

Root cause

199 The following root causes contributed to this finding:

- .1 absence of a legal basis, policies and guidance that would facilitate the implementation and enforcement of coastal State obligations and responsibilities contained in the mandatory IMO instruments to which the State is a Party;

- .2 tasks shared among the different entities of the State involved in coastal State activities were not clearly defined and devised; and
- .3 lack of evaluation and review of performance in the conduct of coastal State activities.

Corrective action

200 The maritime administration will implement the following actions:

- .1 incorporate in the National Maritime Transport Policy and in the overall maritime strategy, the role and responsibilities of each entity for the implementation of coastal State functions;
- .2 identify and assign responsibilities for carrying out various coastal State activities, including the drafting of national legislation, policies and guidance for appropriate entities that would assist in the implementation and enforcement of coastal State obligations and responsibilities; and
- .3 set up a nautical inquiry group to periodically review this arrangement to ensure that all coastal State's obligations are assigned to, and performed by, appropriate entities comprising the maritime administration of the State.

This corrective action will be completed by 30 June 2025.

FD

201 The State had not taken necessary measures to:

- .1 assign the responsibility for the establishment of GMDSS system in the State and provision of radiocommunication services;
- .2 establish a spatial and terrestrial radiocommunication service capable of transmitting navigational warnings, danger messages, meteorological warnings and other urgent messages relating to the safety of navigation; and
- .3 provide ships with required meteorological information and forecasts by ensuring their broadcasting.

(SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

202 The lack of resources to establish full GMDSS functionality and meteorological stations for the communication of weather forecasts and the absence of defined roles and responsibilities of key entities contributed significantly to this finding.

Corrective action

203 The maritime administration will implement the following actions:

- .1 legal basis and guidelines for the provision of radio communication services and navigational warnings will be developed and implemented;

- .2 a formal agreement will be reached between the responsible ministries for the provision of coastal radio stations in conformity with the standards required for the provision of coastal radio stations to cover the waters under the jurisdiction of the State;
- .3 the national component of GMDSS would be reviewed to handle all aspects of the GMDSS coverage and focus on the operational ability of the GMDSS networks;
- .4 standard operating procedures would be drafted and implemented to support understanding of each GMDSS equipment, and the newly recruited staff will be trained and will receive GMDSS licences to fully operate the radio centres;
- .5 appropriate coastal weather stations will be created, and suitable radio communication stations will be installed to ensure that weather and meteorological information, obtained from the meteorological agency, is effectively broadcasted to ships in the waters under the jurisdiction of the State; and
- .6 provide sufficient resources to ensure the State's responsibilities in broadcasting maritime safety information and define and devise roles and responsibilities between all involved entities in the provision of radiocommunication services.

This corrective action will be completed by 30 June 2025.

FD

204 The maritime administration had not taken the necessary measures to provide communication and coordination in the case of distress in its area of responsibility and for the rescue of persons in distress near its coasts by setting up, using, and maintaining available and operational SAR facilities. In addition, no arrangements were made to ensure that the identities of GMDSS were recorded and made available to the rescue and coordination centres (SOLAS 1974, regulation IV/5-1; SOLAS 1974, regulation V/7.1; SOLAS 1974, regulation V/7.2; III Code, paragraph 47).

Root cause

205 The following factors contributed to this finding:

- .1 absence of national legislation, policies and technical infrastructure to respond to distress call and coordinate SAR operations;
- .2 the lack of coordination among entities and lack of clearly assigned responsibilities; and
- .3 lack of awareness of the provisions of the SOLAS 1974 Convention and the III Code.

Corrective action

206 The responsible entities of the maritime administration will implement the following actions:

- .1 appropriate national legislation and a national SAR plan and documented procedures for coordinating maritime SAR operations will be developed and implemented;
- .2 effective coordination among the State's entities involved in SAR issues will be established by signing MoUs and clear responsibilities will be assigned;
- .3 appropriate search and coordination centres within the State's area of responsibility shall be established and managed with qualified personnel from national entities involved in SAR coordination;
- .4 joint national and regional drills on SAR will be planned and carried out periodically;
- .5 establish and implement, with each passenger ship operating in waters under the jurisdiction of the State, a plan for cooperation with SAR services in the event of an emergency, which will be developed in cooperation between the ship, the company, and the SAR services; and
- .6 information on existing SAR facilities will be communicated to IMO.

This corrective action will be completed by 30 June 2025.

FD

207 The maritime administration had not undertaken necessary measures to collect and compile hydrographical data and publish, disseminate, and maintain all nautical information necessary for safe navigation, outside the port areas (SOLAS 1974, regulation V/9; III Code, paragraph 47).

Root cause

208 The lack of legal basis, financial resources and qualified personnel prevented the assignment of respective coastal State obligations for the provision of hydrographic services.

Corrective action

209 The maritime administration will implement the following actions:

- .1 develop and implement national legislation, guidelines, and documented procedures for the establishment of hydrographic maritime unit for the collection and compilation of hydrographic data in order to maintain up-to-date all nautical charts and nautical publications and to disseminate all information necessary for the safety of navigation;
- .2 designate a national coordinator for the provision of hydrographic services and establish a national hydrography unit to ensure that designated State entities implement the documented guidelines and procedures for collecting, compiling, publishing, disseminating, and maintaining updated hydrographic data; and

- .3 necessary funds, qualified and trained human resources will be made available to establish hydrographic services and comply with the State's obligation as a coastal State.

This corrective action will be completed by 30 June 2025.

FD

210 The maritime administration had not undertaken appropriate measures to ensure compliance with the requirements related to the availability and maintenance of aids to navigation, including maritime buoyage and lighthouses outside the port areas, including those established by private offshore operators (SOLAS 1974, regulation V/13; III Code, paragraph 49).

Root cause

211 The absence of the legal basis, guidance, and procedures, as well as the lack of human, material, and financial resources, including a lack of an evaluation and monitoring mechanism for the availability and maintenance of aids to navigation (AtoN) were at the origin of this finding.

Corrective action

212 The maritime administration will implement the following actions:

- .1 legal basis, guidance and procedures for the management of availability and maintenance of AtoN will be developed and implemented, based on objectives, measures and performance indicators for the implementation and enforcement of mandatory IMO instruments;
- .2 the maritime administration will launch an assessment study and prepare an inventory of all AtoN, including their type, number, location and availability, and the result of this investigation will be incorporated into the information used to update and edit navigational charts. A documented procedure will be developed and implemented for systematic dissemination of nautical information when the AtoN is found not to be available. The maritime administration will also review the current procedure for maintaining AtoN, including the monitoring of their availability and dissemination as nautical information for safe navigation;
- .3 the maritime administration will determine, develop and implement documented procedures in accordance with IALA and IHO standards to ensure the sustainability and availability of AtoN;
- .4 human (technical staff and seafarers) and material (land and naval) resources will be mobilized, responsibilities will be assigned, and arrangements will be made to ensure ongoing monitoring and reviewing of AtoN; and
- .5 periodic meetings with ports and other relevant stakeholders relating to AtoN will be carried out.

This corrective action will be completed by 30 June 2025.

FD

213 The maritime administration did not carry out periodic evaluation and review of its performance in conducting coastal State activities under the applicable mandatory IMO instruments. Also, there was no evidence provided confirming the existence of a control and monitoring programme in order to provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas (III Code, paragraph 50.1; III Code, paragraph 51).

Root cause

214 The following factors contributed to this finding:

- .1 there was no practice of collection and analysing of data related to coastal State activities and there was no established procedure to gather data or reports from other relevant agencies;
- .2 absence of the culture to periodically evaluate and review performance;
- .3 lack of understanding of procedures for evaluating the performance in terms of implementation of methods, procedures and administrative resources; and
- .4 lack of human resources in the maritime administration to carry out the tasks related to developing and implementing a control and monitoring programme.

Corrective action

215 The maritime administration will implement the following actions:

- .1 establish a unit, within its nodal entity of the maritime administration, responsible for the collection and analysis of statistical data on coastal State activities from all concerned parties;
- .2 establish, through this entity, a platform for the collection of data and exchange of information and experience between the relevant State entities to gather relevant data from all involved entities and to periodically evaluate the performance in the conduct of coastal State activities;
- .3 develop and establish a legal framework to institutionalize a documented system for evaluation and periodic review of its performance by identifying evaluation measures and performance indicators to ensure that its tasks within the framework of activities of the coastal State are effectively carried out; and
- .4 allocate the required resources and appropriate logistics for conducting periodic evaluation of performance in the conduct of coastal State activities.

This corrective action will be completed by 30 June 2025.

FD

216 The maritime administration had not implemented policies and procedures, through issuing national legislation and guidance, in order to facilitate the implementation of coastal State obligations. In addition, responsibilities to implement various obligations stemming from the mandatory IMO instruments had not been assigned to specific entities, in particular those relating to hydrographic services and meteorological services (III Code, paragraph 46).

Root cause

217 The following factors contributed to this finding:

- .1 absence of a legal basis owing to non-transposition of the mandatory IMO instruments into national legislation; and
- .2 lack of appropriate and qualified technical and legal experts.

Corrective action

218 The maritime administration will carry out the following actions:

- .1 develop and implement national legislation that will give effect to the coastal State obligations under the mandatory IMO instruments;
- .2 implement guidelines that facilitate the implementation and monitoring of the requirements of the mandatory IMO instruments; and
- .3 assign and document responsibilities between the governmental entities responsible for the implementation and monitoring of compliance with the mandatory IMO instruments.

This corrective action will be completed by 31 December 2025.

FD

219 The State had not taken measures to ensure the availability and maintenance of aids to navigation (AtoN) in the waters under the jurisdiction of the State. No assessment had been made on the requirement of AtoN based on the volume of marine traffic and degree of risk (SOLAS 1974, regulation V/13; III Code, paragraph 47).

Root cause

220 The following factors contributed to this finding:

- .1 lack of national legislation, policies and administrative structure to provide AtoN services;
- .2 inadequate level of technical personnel with maritime expertise; and
- .3 lack of financial resources to fulfil AtoN obligations and responsibilities.

Corrective action

- 221 The responsible entity will implement the following actions:
- .1 develop appropriate national legislation, policies and review existing organizational structure (a dedicated responsible unit) to provide appropriate AtoN services;
 - .2 conduct a comprehensive risk assessment to determine the requirements for all AtoN, including through technical assistance (from IMO and others) for the assessment;
 - .3 install necessary AtoN based on the aforementioned assessment;
 - .4 create a database to ensure availability, service and maintenance of AtoN; and
 - .5 ensure ring-fencing of the AtoN maintenance fund ("light dues") to provide required financial resources (light dues).

This corrective action will be completed by 31 December 2025.

FD

222 The maritime administration did not have a system to periodically evaluate its performance in the conduct of coastal State activities, in relation to the obligations of the State under the mandatory IMO instruments (III Code, paragraph 51).

Root cause

- 223 The following factors contributed to this finding:
- .1 the absence of a system to periodically evaluate or review coastal State performance; and
 - .2 the lack of documented procedures for coordination between the entities involved in coastal State activities.

Corrective action

- 224 The maritime administration will carry out the following actions:
- .1 establish a system to periodically evaluate the performance of coastal State functions; and
 - .2 implement documented procedures for coordination between the entities involved in coastal State activities.

This corrective action will be completed by 31 December 2025.

FD

225 The entity responsible for AtoN services had not established any measures to evaluate its performance, on a periodic basis, with respect to the implementation of administrative processes, procedures, and resources necessary to meet related coastal State obligations (SOLAS 1974, regulation V/13; III Code, paragraph 51).

Root cause

226 There was a lack of a management system to conduct an evaluation of the performance of obligations regarding the establishment and operation of AtoN.

Corrective action

227 The responsible entity of the maritime administration will establish a management system, which allows for evaluating the performance of the AtoN service and determining whether the personnel, resources and processes are adequate and sufficient to meet the specific coastal State obligations in this matter.

This corrective action will be completed by 31 December 2025.

FD

228 It was established that search and rescue (SAR) services in the State did not have ready access to plans for cooperation in event of an emergency of passenger ships regularly calling the ports within the State to facilitate cooperation with appropriate SAR services in the event of an emergency. There was no evidence that periodic exercises had been undertaken with passenger ships to test the effectiveness of the plan (SOLAS 1974, regulation V/7.3; III Code, paragraph 47).

Root cause

229 The following factors contributed to this finding:

- .1 insufficient resources led to a lack of awareness/understanding resulting in ambiguity in the interpretation of SOLAS 1974, regulation V/7.3; and
- .2 owing to COVID-19, there was no passenger ship calling at ports within the State until October 2022, which resulted in a reduced number of exercises during the last three years.

Corrective action

230 The following actions will be undertaken by the responsible entity:

- .1 a plan for cooperation as required by SOLAS, regulation V/7.3 will be developed and documented, in collaboration with relevant agencies, for emergency situations between passenger ships calling the ports in the State, the company and SAR services;
- .2 an adequate number of SAR exercises will be conducted under the Plan with passenger ships calling regularly at ports within the State;

- .3 the responsible entity will keep a database of plans for cooperation, and monitor the SAR exercises conducted every year; and
- .4 an awareness programme will be organized for personnel in the maritime administration for better understanding of SAR responsibilities and coordinated action.

This corrective action will be completed by 30 April 2025.

FD

231 There was no objective evidence to demonstrate that the meteorological services of the State arranged for a selection of ships to be equipped with tested marine meteorological instruments as prescribed in regulation V/5.2.4 of SOLAS 1974 (SOLAS 1974, regulation V/5; III Code, paragraph 47).

Root cause

232 The following factors contributed to this finding:

- .1 the lack of familiarization with the relevant provisions of SOLAS 1974, regulation V/5, leading to a lack of a list of ships operating in the marine area that were willing to participate, or were already participating in, marine meteorological observations; and
- .2 the lack of relevant cooperation between the relevant entity and ship companies/owners operating in the marine area.

Corrective action

233 The following actions will be implemented by the relevant entity:

- .1 in cooperation with the responsible entity, the Department of Meteorology will obtain a list of ships equipped with tested marine meteorological instruments, including any ships operated by governmental entities (i.e. Navy, Marine Police, Department of Fisheries) willing to participate in marine meteorological observations. The Department of Meteorology, in cooperation with the responsible entity, if needed, will contact the relevant ships' companies/owners or government entities to arrange cooperation;
- .2 the Department of Meteorology contacted officials, asking for any tested marine meteorological instruments availability for installation on ships and awaits their response; and
- .3 the Department of Meteorology will provide training to officials in order to support the voluntary observing ships (VOS) scheme at the national level.

This corrective action will be completed by 30 June 2025.

FD

234 There was no objective evidence to demonstrate that an adequate system was in place to periodically evaluate the performance in the conduct of the aids to navigation activities, under the VTS unit of the port authority (III Code, paragraph 51).

Root cause

235 The following factors contributed to this finding:

- .1 there was a lack of awareness of the extent and level of monitoring needs of the AtoN activities; and
- .2 the procedure for monitoring the AtoN activities did not include all the required elements.

Corrective action

236 The following actions will be implemented by the port authority:

- .1 publish a circular instructing all owners and/or operators and/or users of AtoN, to report any malfunctions, repairs, changes in position, additions, removals, etc. of AtoN, including the obligation for a standard monthly status update by AtoN owners and operators;
- .2 receive its patrol boat and will include AtoN operation monitoring as part of its mission and will include ad-hoc visual verifications as required, and at least one comprehensive visual inspection of all AtoN every six months. Appropriate records will be maintained;
- .3 continue to monitor the position of AtoN via its VTS radars, where applicable;
- .4 continue to record and monitor the KPIs already in place; and
- .5 create a written procedure regarding AtoN monitoring which will include setting targets such as the mean time between failure and overall availability percentage, for evaluation and review.

This corrective action will be completed by 30 December 2024.

PORT STATE ACTIVITIES

Findings (FD)

237 The maritime administration did not establish relevant policies, through issuing national legislation, administrative instructions, or documented procedures, to ensure:

- .1 effective implementation of the IMDG Code, in particular designation of the competent authority and development and implementation of detailed instructions on emergency response and medical first aid relevant to incidents involving dangerous goods in packaged form, taking into account the guidelines developed by the Organization;

- .2 that a special list or manifest setting for dangerous goods on board and the location thereof were made available to the appropriate authority before the ship's departure;
- .3 training programme for shore-based personnel engaged in dangerous goods related matters; and
- .4 effective implementation of the IMSBC Code

(SOLAS 1974, regulation VII/2.4; SOLAS 1974, regulation VII/3; SOLAS 1974, regulation VII/7-2.2; SOLAS 1974, regulation VII/7-5; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; IMSBC Code, paragraph 4.3.3; III Code, paragraph 54; III Code, paragraph 55).

Root cause

238 There was a lack of coordination among the relevant State entities and a lack of awareness of the requirements of the IMDG, Grain and IMSBC Codes. In addition, the lack in monitoring of amendments to applicable mandatory IMO instruments and absence of national legislation and resources contributed to this finding.

Corrective action

239 The maritime administration will implement the following actions:

- .1 under the project on reviewing maritime legislation, appropriate national legislation will be developed and implemented to adopt the provisions of relevant mandatory IMO instruments, including the IMDG, Grain and IMSBC Codes, and the responsible entity for the implementation and enforcement of the aforementioned national legislation will be appointed;
- .2 a mechanism for monitoring amendments to IMDG, IMSBC and other mandatory codes, such as Grain and INF Codes, will be developed. Amendments to the IMO instruments will be incorporated into national legislation and communicated to all interested parties;
- .3 develop and implement administrative instructions, guidelines and procedures detailing the provision of the IMDG Code including a training programme for all personnel involved in the implementation of the IMDG Code and the handling of dangerous goods (which will include emergency response and medical first aid);
- .4 provide IMO with the required information, including contact details of the "competent authority" as prescribed in the IMDG and IMSBC codes; and
- .5 the responsible entity of the State will establish an inter-institutional committee, consisting of representatives from the various ministries and entities involved, which will be tasked to develop and supervise, the implementation of instructions related to management and handling of dangerous goods by all involved entities and in every concerned port.

This corrective action will be completed by 30 June 2025.

FD

240 The State had not defined or implemented any policies on port State control (PSC) through issuing national legislation, instructions, procedures, and guidance. Furthermore, no process had been established to administer the PSC programme, including policies and criteria for conducting PSC inspections, collection of data on foreign ships calling at the ports of the State and their selection for inspection as well as documented training programme to periodically update the knowledge of PSC officers (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; STCW 1978, regulation I/4; III Code, paragraph 60).

Root cause

241 The following factors contributed to this finding:

- .1 absence of legislation and procedures to administer a PSC programme and lack of transposition, into national legislation, of the procedures on PSC as recommended by IMO;
- .2 failing to adhere to and implement the provisions of the regional MoU for PSC; and
- .3 lack of clarity on the qualification of PSCOs and training policy and programme.

Corrective action

242 The maritime administration will implement the following actions:

- .1 under the project on reviewing the maritime legislation, appropriate national legislation will be promulgated, and a national programme for PSC will be developed and implemented. The programme, consistent with resolution A.1185(33), as may be amended, will include the required qualifications of PSCOs, their performance review and relevant training to be administered; and
- .2 existing PSCOs and newly recruited officers, will be trained based on the IMO model course and the provisions of the regional MoU on PSC, including the review of the PSC reports. PSCOs will be provided with appropriate equipment at each maritime district to communicate, as soon as the inspection is completed, the PSC reports to the Secretariat of regional MoU on PSC and upload it to the MoU database.

This corrective action will be completed by 30 June 2025.

FD

243 It could not be demonstrated that officers of the maritime administration authorized to conduct port State control had no commercial interest in or by the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere (III Code, paragraph 62).

Root cause

244 The lack of a regulatory framework governing PSC activities and detailing the professional conduct of the staff in charge of PSC, including the avoidance of conflict of interest, contributed to this finding.

Corrective action

245 The maritime administration will implement the following actions:

- .1 develop and implement the legislation necessary for the conduct of PSC activities, which would define, among others, the responsibilities and attitude of each PSCO;
- .2 develop accreditation criteria for PSCOs, focusing on their competence and qualifications, and ensuring compliance with the code of conduct for PSCOs; and
- .3 require newly appointed PSCOs to take an oath upon assuming their duties, committing to fulfil their responsibilities in a professional manner.

This corrective action will be completed by 30 June 2025.

FD

246 It could not be demonstrated that the maritime administration had implemented a system for periodic performance evaluation in the conduct of port State activities for the purpose of verifying compliance with the obligations of the State under the applicable mandatory IMO instruments (III Code, paragraph 63).

Root cause

247 The absence of culture to periodically evaluate and review performance and the lack of management systems within the concerned entities to evaluate the performance of the maritime administration in the conduct of the port State activities contributed to this finding.

Corrective action

248 The maritime administration will institutionalize a documented programme for the evaluation and periodic review of the performance in the conduct of the port State activities. In addition, appropriate training programmes on the subject will be identified and arranged for the relevant personnel, and objectives and key performance indicators for all involved entities to evaluate and measure their performance through management systems will be implemented and maintained.

This corrective action will be completed by 30 June 2025.

FD

249 The existing legislation, guidance and administrative instructions related to the provision of class 7 dangerous goods under the IMDG Code were not robust enough to ensure the effective implementation. In addition, the existing training programme for shore-based personnel handling dangerous goods was not updated in accordance with the latest applicable provisions of the IMDG Code, including the period of time for keeping records of such training, which was found not established (SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, section 1.5.2; III Code, paragraph 55).

Root cause

- 250 The following factors contributed to this finding:
- .1 incomplete policy regarding handling of class 7 dangerous goods (radioactive materials); and
 - .2 incomplete policy regarding updating the training programme of shore-side personnel handling dangerous goods.

Corrective action

- 251 The maritime administration will implement the following actions:
- .1 establish a procedure for the handling of class 7 dangerous goods in port areas according to requirements of the IMDG Code regarding a radiation protection programme; and
 - .2 establish a procedure to update the existing training programme for shore-based personnel handling of dangerous goods in port areas in accordance with the latest applicable provisions of the IMDG Code and retention time of records of such training will be established.

This corrective action will be completed by 2 November 2025.

FD

252 The existing legal framework for the enforcement of provisions regulating actions against marine fuel oil suppliers regarding compliance with sulphur requirements under MARPOL, Annex VI, was found not robust and clear enough to address all possible cases of infringement and the competent authority to impose sanctions against the suppliers was not clearly defined (MARPOL, Annex VI, regulation 18.9; III Code, paragraph 57).

Root cause

253 Lack of awareness of having a specific legal framework for the enforcement of provisions regulating actions against marine fuel oil suppliers; and the competent authority for imposing sanctions against the suppliers was not clearly defined.

Corrective action

254 The Administration, in cooperation with other relevant State's entities, will draft new legislation aiming to amend the existing one, for regulating the procedure for imposing sanctions against fuel oil suppliers in case of non-compliance with their obligations pursuant to, in particular, MARPOL, Annex VI, to address all possible cases of infringement. In addition, the responsible competent authority for imposing sanctions against the suppliers will be clearly defined.

This corrective action will be completed by 30 June 2025.

FD

255 The evidence provided by the maritime administration was not robust enough to ensure the effective implementation of the IMDG Code regarding the establishment of a radiation protection programme for the handling of class 7 dangerous goods, as well as the establishment of a management system to deal with said programme. In addition, the role of the competent authority(ies) in these matters was not clearly defined (SOLAS 1974, regulation VII/3; IMDG Code, section 1.5.2; IMDG Code, section 1.5.3; IMDG Code, section 5.1.5; III Code, paragraph 55).

Root cause

256 Lack of awareness in respect of requirements of the IMDG Code regarding radioactive materials (class 7).

Corrective action

257 The maritime administration will implement the following actions:

- .1 the "National Permanent Group on Dangerous Goods" will review the existing established system for the implementation of the IMDG Code requirements related to radioactive materials (class 7) as to address potential gaps and desirable changes, including reviewing current domestic legislation regarding State's entities involved and their responsibilities; and
- .2 review of the organizational chart of the maritime administration and related terms of references (ToR) appended to the "Strategy for the implementation of IMO instruments" as to comprise – inter alia – all entities dealing with the requirements of the IMDG Code for radioactive materials (class 7), to clearly define their role in the transport/handling of these materials.

This corrective action will be completed by 30 April 2024.

FD

258 Although the State provided reception facilities in the ports, there was evidence, through GISIS, showing complaints on alleged inadequacies of port reception facilities under the applicable provisions of MARPOL Annexes I and V (MARPOL, Annex I, regulation 38.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 56.1).

Root cause

259 The maritime administration did not have a system in place to periodically review the data on provision and/or availability of port reception facilities.

Corrective action

260 The maritime administration will implement the following actions:

- .1 will regularly check if there are any reports of alleged inadequacy of port reception facilities in the relevant GISIS module and periodically assess the performance of port reception facilities and request port management bodies involved to improve their performance, as necessary; and

- .2 will periodically investigate provision and/or availability of port reception facilities to review those data, including maintenance of records. Consequently, where inadequacy of port reception facilities is revealed, maritime administration will request the port management bodies involved to improve the performance of those identified facilities, as necessary.

This corrective action will be completed by 31 March 2025.

FD

261 There was no evidence to establish that the State had undertaken periodic evaluation of its performance in the provision of port reception facilities to meet its port State obligations (III Code, paragraph 63).

Root cause

262 The maritime administration did not establish a mechanism to evaluate the performance in the provision of port reception facilities in the State.

Corrective action

263 The maritime administration will implement the following actions:

- .1 will develop a mechanism to periodically evaluate the performance of port reception facilities based upon data on provision and/or availability of port reception facilities; and
- .2 the performance in the conduct of port State activities, including that of provision of port reception facilities, will be monitored by the coordinating entity during their periodical review.

This corrective action will be completed by 31 March 2026.

FD

264 There was no evidence of adequate legislation, guidance, or procedures in place to ensure that the maritime administration implemented the requirements of the IMDG and IMSBC Codes. In particular, there was no evidence that the maritime administration:

- .1 designated a competent authority for matters related to handling of dangerous goods (IMDG Code) and solid bulk cargoes (IMSBC Code);
- .2 ensured that periodical training of shore-based personnel involved in the handling of dangerous goods was conducted; and
- .3 ensured the implementation of loading and unloading requirements in accordance with SOLAS 1974, chapter VI, and in compliance with the relevant provisions of the IMSBC Code

(SOLAS 1974, regulation VI/7.3; SOLAS 1974, regulation VII/3; Grain Code, paragraph 3.5; IMSBC Code, paragraph 4.3.3; III Code, paragraph 54; III Code, paragraph 55).

Root cause

265 The following factors contributed to this finding:

- .1 in line with article 144 of the State's constitution, the State is a monist State and the understanding within the maritime administration was that there is no need to make national legislation for implementing the mandatory codes; and
- .2 the absence of technically qualified personnel to implement and enforce the IMDG Code, IMSBC Code and Grain Code within the maritime administration.

Corrective action

266 The maritime administration will carry out the following actions:

- .1 develop national legislation and regulations that will include the requirements of the IMDG, IMSBC and Grain codes, as well as any future amendments, and will update the existing regulations accordingly;
- .2 recruit technically qualified and experienced personnel to implement and enforce the IMDG, IMSBC and Grain codes;
- .3 develop a documented procedure for the implementation of the mandatory provisions in the IMDG Code and establish a training programme for shore-based personnel involved in the implementation of the IMDG Code; and
- .4 communicate mandatory information to IMO, including details of the "competent authority".

This corrective action will be completed by 31 December 2025.

FD

267 The State had not regulated the provision of port reception facilities in accordance with the requirements of MARPOL and did not have appropriate reception facilities in place to accept all waste streams required under MARPOL in its ports. In addition, necessary policy guidelines or a mechanism for assessment of adequacy of port reception facilities were not established by the maritime administration (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex IV, regulation 12.1; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1).

Root cause

268 The following factors contributed to this finding:

- .1 lack of national legislation to implement the requirements of port reception facilities;
- .2 lack of policies and procedures regarding regulation of port reception facilities; and
- .3 outdated organizational structure in the maritime administration.

Corrective action

269 The maritime administration will carry out the following actions:

- .1 develop appropriate national legislation, policies, and procedures to fulfil the requirements of port reception facilities under the mandatory IMO instruments;
- .2 review the existing organizational structure of the maritime administration in order to acquire requisite specialized skills required, and assess the requirements of port reception facilities under the mandatory IMO instruments; and
- .3 provide appropriate reception facilities to receive waste streams under MARPOL, based on the assessment.

This corrective action will be completed by 31 December 2025.

FD

270 Although the State exercised the rights to conduct port State control (PSC) inspections, the State had not established any policies, guidance, and procedures to administer a PSC programme. The State did not ensure that ships flying the flag of non-Parties to the mandatory IMO instruments are treated no more favourably than those that are flying the flag of Parties to those instruments (SOLAS 1974, regulation I/19; MARPOL, Annex I, regulation 11; III Code, paragraph 54; III Code, paragraph 55).

Root cause

271 The following factors contributed to this finding:

- .1 the lack of full understanding of the implementation and enforcement of port State activities under the mandatory IMO instruments; and
- .2 there was inadequate national legislation to provide the basis for conducting port State control under relevant IMO instruments.

Corrective action

272 The maritime administration will undertake the following actions:

- .1 develop national legislation, policies, guidelines, and procedures to administer an effective PSC programme and ensure that ships flying the flag of non-parties to the mandatory IMO instruments are treated no more favourably than those that are flying the flag of Parties to those instruments; and
- .2 develop and implement a system to ensure that officers undergo training in line with their duties.

This corrective action will be completed by 31 December 2025.

FD

273 The maritime administration had not implemented a system for periodic evaluation of its performance in respect of exercising its rights and meeting its obligations as a port State under the mandatory IMO instruments (III Code, paragraph 63).

Root cause

274 The following factors contributed to this finding:

- .1 there was no adequate number of competent officers to perform evaluation of port State activities; and
- .2 there was no mechanism to periodically evaluate port State activities including port State control inspections.

Corrective action

275 The maritime administration will undertake the following actions:

- .1 develop and implement a quality management system that will provide a mechanism for periodic evaluation of performance in respect of meeting port State obligations under the mandatory IMO instruments; and
- .2 review the organizational structure of the maritime administration to ensure an adequate number of competent officers for carrying out port State functions.

This corrective action will be completed by 31 December 2025.

FD

276 The existing training programme for shore-based personnel handling dangerous goods was not updated in accordance with the provisions of the IMDG Code. In addition, the retention time for records of such training had not been defined by the competent authority (SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; III Code, paragraph 55).

Root cause

277 There was a lack of an effective system for updating and monitoring the provisions on training of shore-based personnel involved in the handling of dangerous goods in line with the latest amendments to the provisions of the IMDG Code.

Corrective action

278 The responsible entity of the maritime administration will develop and implement a documented procedure to monitor the regular updating of training programmes for shore-based personnel involved in the handling of dangerous goods in line with successive amendments to the IMDG Code. The retention period for training records will be formally established in accordance with the provisions of the IMDG Code.

This corrective action will be completed by 31 December 2025.

FD

279 There was no objective evidence to demonstrate that the maritime administration implemented all the applicable provisions for handling of dangerous goods in ports under the mandatory IMO instruments, pertaining to the provision of:

- .1 instructions on training for shore-based personnel engaged in handling of dangerous goods and the establishment of a retention period for training records;
- .2 detailed instructions on emergency response and emergency medical care required in incidents involving dangerous goods; and
- .3 instructions on the establishment and implementation of a management system for all activities related to radioactive materials.

In addition, there was no system in place for periodically evaluating the performance in respect of handling of dangerous goods in ports. (SOLAS 1974, regulation VII/2.4; IMDG Code, section 1.3.1; IMDG Code, section 1.5.3; III Code, paragraph 54; III Code, paragraph 63).

Root cause

280 The following factors contributed to this finding:

- .1 the management of hazardous materials within ports is governed by the applicable laws of the port authority, which encompass various conditions such as storage protocols, duration of storage, transportation procedures, direct delivery guidelines, exemption processes, as well as the authorization and competency requirements for personnel overseeing these materials. While the port authority diligently implements regulatory oversight in accordance with local regulations, including those established by other competent authorities, the port authority was not fully aware that there are additional provisions outlined in mandatory IMO instruments that warranted consideration.
- .2 in reference to other competent authorities, it is essential to highlight that the handling of radioactive materials, along with emergency response protocols, falls under the jurisdiction of the responsible entity. Notably, recent drills conducted by the responsible entity addressing radioactive spillage in the port may have inadvertently validated the impression that the port authority is not actively involved.
- .3 the ongoing assessment and evaluation of performance concerning the handling of dangerous goods were notably hindered by the absence of a robust quality management system (QMS). Such a system, when implemented, offers structured mechanisms for conducting these evaluations.

Corrective action

- 281 The following actions will be implemented by the port authority:
- .1 hire a Health and Safety Officer, and provide training on the IMDG Code and other related codes on dangerous goods;
 - .2 ensure that appropriate guidance is given regarding training needs to all entities and shore-side personnel involved in handling of dangerous goods based on IMDG Code 2022(41-22)/PART 1/para. 1.3.1. The retention period for training records will be established as per the needs of the mandatory IMO instruments and in compliance with applicable regulations;
 - .3 ensure that appropriate guidance is given regarding emergency response and emergency medical care required in incidents involving dangerous goods in ports, to all entities involved considering all the IMDG supplementary provisions such as the Revised Emergency Response Procedures for Ships Carrying Dangerous Goods (EmS Guide) (MSC.1/Circ.1588) and the Medical First Aid and the Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG);
 - .4 ensure that terminal operators will produce and establish a management system for all activities related to radioactive material as stated in IMDG Code, section 1.5.3. Taking into consideration that the Competent Authority for handling incidents involving radioactive materials is the responsible entity, the port authority will ask for their support. As soon as the management system is prepared, it will be evaluated and reviewed as per the requirements of the mandatory IMO instruments; and
 - .5 the port authority has initiated the process of implementing ISO 9001:2015 QMS, which will be finalized to ensure continued evaluation and review.

This corrective action will be completed by 30 June 2025.

AREAS OF POSITIVE DEVELOPMENT

Best practices

282 A maritime museum, established in 2013, contributed to preserving the maritime heritage and promoting the maritime culture in the State.

283 Following the evaluation of a number of deficiencies found on board foreign ships calling at the State's ports within 2020, the responsible entity's policy on port State control had been reviewed with the purpose of balancing between controls of ships not targeted for a mandatory inspection and fulfilling of the assigned regional commitment. As a consequence, in 2021 as well as in the first quarter of 2022, a greater number of substandard ships had been identified and detained improving the overall effectiveness of the system.

284 The Administration acting, at the same time, as competent authority for the implementation of SAR (MRCC) and VTS services, the latter enhancing capability to merge information provided by several sources (i.e., AIS, LRIT, SRS, GMDSS including NAVTEX). Therefore, the Administration was in the position to develop such a "Maritime Domain Awareness" effectively supporting all coastal State functions.

285 In order to enhance the standardization of the forecasts, the implementation of automation criteria has been studied and elaborated by the meteorological authorities aimed at facilitating, without substituting, the human tasks in their analysis and decision phases. With a specific eye on sea forecasts, an automation ad-hoc study had been designed for the gale warnings with a focus on basic information and high-resolution model data fusion in order to highlight in both forecast and observation space the critical areas of interest and then to follow the space-temporal evolution of the systems. This set of information was used by the forecaster as background or first guess for the elaboration of the warnings and general forecasts. Such an automation will become soon an actual necessity owing to the expected relevant increase of data from space observation and very high-resolution NWP, where it will be crucial to support the process of analysis and evaluation carried out by human factor.

286 The ROs were able to issue a certificate to a ship flying the flag of the State, by using the same certificate management application used by flag surveyors, thus maintaining ownership of the certificate by the Administration, and allowing any RO to carry out the survey/audit within the cycle of the certificate. The access to the application was authorized on a case-by-case basis, which allowed detailed instructions to be given for the performance of the service. Reports were also available in the application, which allowed ROs to analyse in a grouped way, areas of non-compliances in relation to the mandatory IMO instruments committed by the fleet.

287 The Joint Rescue Coordination Centre (JRCC) had recently implemented a Search and Rescue (SAR) simulator. This system aims to enhance the capacity for coordinating SAR operations in the area under the responsibility of the State and to improve SAR services for the neighbouring countries.
